

112th Congress }
1st Session }

JOINT COMMITTEE PRINT

{ S. Prt.
112-30 }

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2010

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



MAY 2011

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

66-166 PDF

WASHINGTON : 2010

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CONTENTS

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

VOLUME I

Africa	
Angola	1
Benin	20
Botswana	30
Burkina Faso	41
Burundi	51
Cameroon	72
Cape Verde	92
Central African Republic, The	98
Chad	122
Comoros	137
Congo, Democratic Republic of the	143
Congo, Republic of the	186
Cote d'Ivoire	196
Djibouti	218
Equatorial Guinea	227
Eritrea	240
Ethiopia	257
Gabon	284
Gambia, The	292
Ghana	305
Guinea	320
Guinea-Bissau	335
Kenya	344
Lesotho	368
Liberia	384
Madagascar	395
Malawi	408
Mali	419
Mauritania	429
Mauritius	444
Mozambique	452
Namibia	465
Niger	479
Nigeria	493
Rwanda	525
Sao Tome and Principe	544

	Page
Africa—Continued	
Senegal	549
Seychelles	565
Sierra Leone	571
Somalia	589
South Africa	610
Sudan	628
Swaziland	655
Tanzania	670
Togo	692
Uganda	702
Zambia	728
Zimbabwe	744
East Asia and the Pacific	
Australia	783
Brunei Darussalam	794
Burma	801
Cambodia	823
China (includes Tibet, Hong Kong, and Macau)	843
Tibet	882
Hong Kong	891
Macau	906
Fiji	914
Indonesia	928
Japan	949
Kiribati	961
Korea, Democratic People's Republic of	966
Korea, Republic of	979
Laos	989
Malaysia	999
Marshall Islands	1026
Micronesia, Federated States of	1032
Mongolia	1038
Nauru	1050
New Zealand	1054
Palau	1061
Papua New Guinea	1066
Philippines	1076
Samoa	1093
Singapore	1101
Solomon Islands	1116
Taiwan	1123
Thailand	1132
Timor-Leste	1160
Tonga	1169
Tuvalu	1175
Vanuatu	1180
Vietnam	1187
Europe and Eurasia	
Albania	1213
Andorra	1224
Armenia	1229
Austria	1261
Azerbaijan	1270

	Page
Europe and Eurasia —Continued	
Belarus	1295
Belgium	1332
Bosnia and Herzegovina	1340
Bulgaria	1358
Croatia	1371
Cyprus	1389
Czech Republic	1415
Denmark	1433
Estonia	1441
Finland	1449
France	1460
Georgia	1472
Germany	1515
Greece	1530
Hungary	1547
Iceland	1565
Ireland	1573
Italy	1581
Kosovo	1594
Latvia	1615
Liechtenstein	1626
Lithuania	1631
Luxembourg	1643
Macedonia	1648
Malta	1663
Moldova	1673
Monaco	1699
Montenegro	1703
Netherlands	1730
Norway	1741
Poland	1750
Portugal	1766
Romania	1773
Russia	1796
San Marino	1840
Serbia	1844
Slovakia	1861
Slovenia	1877
Spain	1885
Sweden	1896
Switzerland	1907
Turkey	1917
Ukraine	1939
United Kingdom	1965

VOLUME II

Near East and North Africa	
Algeria	1979
Bahrain	1996
Egypt	2009
Iran	2027
Iraq	2061
Israel and the occupied territories	2089

	Page
Near East and North Africa —Continued	
Jordan	2139
Kuwait	2157
Lebanon	2169
Libya	2188
Morocco	2203
Oman	2222
Qatar	2230
Saudi Arabia	2243
Syria	2266
Tunisia	2288
United Arab Emirates	2305
Western Sahara	2317
Yemen	2324
South and Central Asia	
Afghanistan	2347
Bangladesh	2372
Bhutan	2395
India	2403
Kazakhstan	2437
Kyrgyz Republic	2457
Maldives	2472
Nepal	2485
Pakistan	2505
Sri Lanka	2541
Tajikistan	2560
Turkmenistan	2573
Uzbekistan	2586
Western Hemisphere	
Antigua and Barbuda	2609
Argentina	2614
Bahamas, The	2630
Barbados	2640
Belize	2646
Bolivia	2655
Brazil	2668
Canada	2688
Chile	2702
Colombia	2713
Costa Rica	2742
Cuba	2754
Dominica	2768
Dominican Republic	2775
Ecuador	2794
El Salvador	2812
Grenada	2827
Guatemala	2833
Guyana	2850
Haiti	2859
Honduras	2873
Jamaica	2892
Mexico	2904
Nicaragua	2923
Panama	2940

	Page
Western Hemisphere —Continued	
Paraguay	2957
Peru	2970
Saint Kitts and Nevis	2987
Saint Lucia	2991
Saint Vincent and the Grenadines	2997
Suriname	3003
Trinidad and Tobago	3011
Uruguay	3020
Venezuela	3028
Appendixes	
Appendix A: Notes on preparation of Report	3061
Appendix B: Reporting on Worker Rights	3069
Appendix C: Selected International Human Rights Conventions	3071
Appendix D: Description of International Human Rights Conventions in Appendix C	3079
Appendix E: FY 2010 Foreign Assistance Actuals	3081
Appendix F: United Nations General Assembly's Third Committee Coun- try Resolution Votes 2010	3107
Appendix G: United Nations Universal Declaration of Human Rights	3115

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, April 8, 2011.

Hon. John F. Kerry,
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 2010*, 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,

MICHAEL H. POSNER,
*Assistant Secretary, Bureau of Democracy,
Human Rights, and Labor.*

Enclosure.

PREFACE

Today, the eyes of the world are focused on the Middle East and North Africa, where people are demanding that their governments live up to the guiding principle of the Universal Declaration of Human Rights, that all people are “born free and equal in dignity and rights.” The promise of this principle is the driving power behind every movement for freedom, every campaign for democracy, every effort to foster development, and every struggle against oppression. We are inspired by the courage and determination of these activists, and we see in their struggles the true manifestation of a universal yearning for dignity and respect. We stand with them and with all citizens, activists, and governments around the world who peacefully work to advance the causes of democracy and human rights.

As President Obama has said, we are guided by a simple idea, “... freedom, justice and peace for the world must begin with freedom, justice, and peace in the lives of individual human beings.” This idea represents values we cherish in the United States, but they are not ours alone. Our belief in the universal principles of freedom, justice, and peace guides us on a daily basis as we work to make human rights a human reality. The world has witnessed that without meaningful steps toward representative, accountable, and transparent governance, the gap between people and their leaders will only grow. We will continue to promote, support, and defend democracy, in its many forms, knowing that it is the best political system for allowing individuals to enjoy their human rights.

The 2010 *Country Reports on Human Rights Practices* provide a record of the state of human rights in the world and raise awareness of the progress made in 2010, the ground lost, and the work that remains. This year marks the thirty-fifth year we have reported to Congress on human rights around the world. These reports were initially envisioned as a tool to help guide the United States in its foreign policy, but they have grown to be something much greater. Other governments, individuals, and organizations now use the human rights reports as essential sources of information about conditions in countries around the world. For activists, many of whom confront a shrinking space in which to operate and do so at great personal risk, these reports also provide evidence that the world is being made aware of their struggle.

As I travel the world, I make a point of meeting with those people working to advance the cause of human rights within their own countries. I am consistently impressed by the power of the human spirit, and the unwavering commitment of these brave individuals.

Their work inspires us and confirms the importance of holding governments, including our own, accountable for the treatment of their citizens.

Once each year we submit the Country Reports on Human Rights Practices to Congress, but advancing freedom and human rights is a daily priority for the men and women of the Department of State, both in Washington and in our embassies overseas. Through these reports, through our diplomacy, and through our example, we will continue to press for the universal human rights of all individuals. Now is the opportunity for us to support all who are willing to stand up on behalf of the rights we cherish.

In that spirit I hereby transmit the Department of State's Country Reports on Human Rights Practices for 2010 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. 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

The Department of State prepared this report using information from U.S. embassies and consulates abroad, foreign government officials, nongovernmental and international organizations, and published reports. The initial drafts of the individual country reports were prepared by U.S. diplomatic missions abroad, drawing on information they gathered throughout the year from a variety of sources, including 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.

Once the initial drafts of the individual country reports were completed, the Bureau of Democracy, Human Rights and Labor, in cooperation with other Department of State offices, worked to corroborate, analyze, and edit the reports, drawing on their own

sources of information. These sources 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. Bureau officers also consulted experts on worker rights, refugee issues, military and police topics, women's issues, and legal matters, among many others. The guiding principle was to ensure that all information was assessed objectively, thoroughly, and fairly.

As has proven the case in the past, we anticipate that the reports will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. They will serve also 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.

With this 2010 edition of the country reports, DRL expanded the use of hyperlinks from these reports to other key human rights documents produced by the Department of State. Specifically, readers are asked to follow hyperlinks for complete information on religious freedom issues by consulting the 2010 International Religious Freedom Report, the 2010 Trafficking in Persons Report, if applicable, and the several current publications produced by the Department's Consular Affairs Bureau on international child abductions, if applicable to the country in question.

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: Eric Falls, Robert Boehme, Jeffrey Hawkins, Douglas Kramer, Jessica Lieberman, Mark Mittelhauser, Susan O'Sullivan; Senior Editors: Jonathan Bemis, Douglas B. Dearborn, Daniel Dolan, Jerome L. Hoganson, Patricia Meeks Schnell, Marc J. Susser, and Julie Turner; Editors: Naim Ahmed, Cory Andrews, Sarah Buckley-Moore, Laura Carey, Elise Carlson-Rainer, Della Cavey, Eric Concha, Sharon Cooke,

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INTRODUCTION

This report provides encyclopedic detail on human rights conditions in over 190 countries for 2010. Because we are publishing this report three months into the new year, however, our perspectives on many issues are now framed by the dramatic changes sweeping across countries in the Middle East in 2011. At this moment we cannot predict the outcome of these changes, and we will not know the lasting impacts for years to come. The internal dynamics in each of these countries are different, so sweeping analysis of the entire region is not appropriate. In places like Tunisia and Egypt, we are witnessing popular demands for meaningful political participation, fundamental freedoms, and greater economic opportunity. These demands are profound, they are homegrown, and they are being driven by new activists, many of them young people. These citizens seek to build sustainable democracies in their countries with governments that respect the universal human rights of their own people. If they succeed, the Middle East region, and with it the whole world, will be improved.

The United States will continue to monitor the situations in these countries closely, knowing that the transition to democracy is not automatic and will take time and careful attention. In Egypt, we await the lifting of the state of emergency, which the Supreme Council of the Armed Forces has promised to do prior to parliamentary elections. In Tunisia, we are encouraged by the creation of a fact-finding committee to investigate human rights abuses that took place during the uprising.

While we address these and other short-term repercussions, historians will have the benefit of time and perspective to help us understand what triggered these popular movements. But three trends clearly contributed to their development and to other changes that occurred throughout the world in 2010. The first is the explosive growth of nongovernmental advocacy organizations focused on a wide range of democracy and human rights issues and causes. Fifty years ago, when Amnesty International was created, few countries outside of North America or Western Europe had any locally based human rights organizations. Today, local nongovernmental organizations (NGOs) exist in almost every country in the world. The growth of these organizations has been dramatic, and in many countries such citizens' organizations have been created against great odds and only because individual human rights activists were willing to face great personal risk. Secretary Clinton highlighted the importance of these organizations in a speech she gave in July 2010 in Krakow, Poland, to the Community of Democracies. As she said, "societies move forward when the citizens that

make up these groups are empowered to transform common interests into common actions that serve the common good.”

In closed societies, where repressive governments seek to control and stifle the debate on sensitive political and social issues, governments view these independent local citizens’ organizations as a threat rather than a resource, and democracy and human rights defenders are singled out for particularly harsh treatment. For example, in Belarus, over 700 prodemocracy activists, including seven presidential candidates, were arrested during public demonstrations following the flawed December 2010 presidential elections. In the weeks that followed, the offices and homes of civil society representatives, independent journalists, and political activists were raided as part of an effort to stifle independent political activity and free expression.

In the last several years, more than 90 governments have sought to pass restrictive laws and regulations, hampering the ability of organizations to register, operate freely, or receive foreign funding. A proposed NGO law in Cambodia, introduced in December, is emblematic of these efforts. The law would impose burdensome reporting requirements on NGOs, erect significant barriers to the registration of foreign NGOs, require foreign NGOs to collaborate with the government, and outlaw unregistered NGOs. In Ethiopia, a new civil society organization law entered into force in February, following a one-year grace period. The law prohibits charities, societies, and associations that receive more than 10 percent of their funding from foreign sources from engaging in activities that promote human rights and democracy; the rights of children and persons with disabilities; equality among nations, nationalities, people, genders, and religions; conflict resolution or reconciliation; and the promotion of justice. During the grace period, Ethiopia’s leading human rights defender organizations adjusted by re-registering either as local charities, meaning that they could not raise more than 10 percent of their funds from foreign donors, or as “Resident Charities,” which allowed donations but prohibited activities in the enumerated areas. There were 3,522 registered organizations before the civil society organization law was adopted; after the law only 1,655 remained.

Secretary Clinton acknowledged these troubling restrictions on civil society in her speech in Krakow, when she identified a “group of countries where the walls are closing in on civic organizations” and cautioned that when “governments crack down on the right of citizens to work together, as they have throughout history, societies fall into stagnation and decay.” As we have seen in the Middle East and elsewhere, governments cannot suppress civil society indefinitely, and they can never suppress it legitimately.

A second important trend is the dramatic growth of the Internet, mobile phones, and other connective technologies that allow instantaneous communications to billions of people across the globe. As Secretary Clinton observed in a recent speech on Internet freedom, the Internet has become the town square of the 21st century. Much has been said and written about the effects of these connective technologies in allowing Egyptians and Tunisians to mobilize in the weeks and months before demonstrations actually began. While it is the courage of the people themselves that led the way and was

the driving force, the amplifying impact of these new technologies, coupled with the power of television stations and the Internet to broadcast videos obtained by citizens using these mobile phones, cannot be denied.

Today there are more than two billion people with Internet access spread across most countries of the world, and around five billion mobile phone subscriptions. These numbers are projected to grow dramatically in the next 15 years. And as more people gain access to these remarkable technologies, and use them both to gather and impart information on human rights and to communicate with other activists, an increasing number of governments are spending more time, money, and attention in efforts to curtail access to these new communications outlets. More than 40 governments are now using a combination of regulatory restrictions, technical controls on access to the Internet, and technologies designed to repress speech and infringe on the personal privacy of those who use these rapidly evolving technologies.

In Saudi Arabia in 2010, the government restricted access to the Internet and interfered with citizens' privacy while online. The official Communications and Information Technology Commission (CITC) improperly monitored e-mail and Internet chat rooms and blocked sites, including pages about Hinduism, Judaism, Christianity, and certain forms of Islam deemed incompatible with Sharia law and national regulations. In Sudan, the government monitored Internet communications and, during the elections, blocked access to the Sudan Vote Monitor Web site. The Government of China tightly controlled content on and access to the Internet and detained those expressing views critical of the government or its policies. In Vietnam, the government orchestrated attacks against critical Web sites and spied on dissident bloggers. Police arrested 25 dissidents over the course of the year and forcibly entered the homes of a number of others to remove personal computers, cell phones, and other material.

A third trend, and one that points in a negative direction, was the continuing escalation of violence, persecution, and official and societal discrimination of members of vulnerable groups, often racial, religious, or ethnic minorities or disempowered majorities. In many countries this pattern of discrimination extended to women; children; persons with disabilities; indigenous; lesbian, gay, bisexual, and transgender (LGBT) persons; and members of other vulnerable groups who lacked the political power to defend their own interests. Often members of these groups were denied economic opportunity or the ability to abide by their social or cultural traditions or practices or were restricted in their ability to speak freely, to assemble peacefully, or to form associations or organizations.

In Pakistan, religious freedom violations and violence and discrimination against religious minorities continued. The blasphemy laws were used to harass religious minorities as well as vulnerable Muslims or Muslims with minority views. (In the first two months of 2011, two senior government officials who publicly challenged these laws were brutally killed.) In Saudi Arabia, there were severe restrictions on religious freedom and discrimination on the basis of religion was common. In China, the government continued to demonize the Dalai Lama and harshly repress Uighur Muslims in

Xinjiang and Tibetan Buddhists. There were reports of increases in anti-Semitic acts around the world, including the desecration of cemeteries, graffiti, and blood-libel rhetoric, as well as Holocaust denial, revisionism, and glorification. There have also been spikes in expressions of anti-Semitism during events in the Middle East.

Persons around the world continue to experience discrimination and intimidation based on their sexual orientation or gender identity. Honduras saw an upsurge in killings of members of the LGBT community by unknown perpetrators. Meanwhile, in many African, Middle Eastern, and Caribbean nations, same-sex relations remain a criminal offense, and through such laws and other measures the state reinforces and encourages societal discrimination and intolerance. In Uganda, for example, intimidation and harassment of LGBT individuals worsened during the year, and some government and religious leaders threatened LGBT individuals.

Exploitation of laborers was also a problem in many countries, often compounded by threats against workers for attempting to unionize. Again in 2010, the government of Uzbekistan mobilized thousands of adults and children as forced laborers during the annual cotton harvest. In Bangladesh, poor working conditions caused needless deaths, notably in the garment industry. Bangladesh was also the site of frequent and at times deadly labor unrest during the year, particularly in the Ready-Made Garment Sector and Export Processing Zones.

These trends are further illustrated below by the thumbnail sketches of 27 countries (listed alphabetically by region). The section on country highlights provides illustrative examples of the human rights trends in 2010. In some of these countries there have been negative developments or the human rights record has been a mix of positive and negative developments. In other countries highlighted below, we reflect on positive trends in 2010. The body of this report is a much more detailed examination of these and an additional 167 countries.

2010 marks the 35th year that the State Department has produced the annual Country Reports on Human Rights Practices. This year's report covers human rights conditions in 194 countries. What began as the response to a Congressional mandate to report on the human rights situation in those countries that were receiving U.S. assistance in the mid 1970s has blossomed into a detailed analysis of human rights conditions in all countries that are members of the United Nations. The country reports provide an overview of the human rights situation around the world as a means to raise awareness of human rights conditions, in particular as these conditions affect the well-being of women, children, racial and religious minorities, trafficking victims, members of indigenous groups and ethnic communities, persons with disabilities, sexual minorities, refugees, and members of other vulnerable groups.

As the scope of the State Department's reporting has increased, so has the use of these reports around the world. In addition to providing data to Congress to inform their funding and policy decisions, these reports are used throughout the U.S. government and by many foreign governments. And, importantly, they are increasingly being used by individual citizens and NGOs as critical sources of information on what is happening in the world. To facili-

tate the sharing of this information, reports are translated into over 50 languages and made available online.

The U.S. government compiles the human rights report because we believe it is imperative for countries, including our own, to ensure that respect for human rights is an integral component of foreign policy. We provide these reports as a form of comprehensive review and analysis.

The reports do not cover human rights in the United States, although this Administration has made a commitment to take a close and critical look at our own performance on these issues even as we cast a spotlight on the practices of other countries. In November, the United States presented its first report on human rights in the United States to the UN Human Rights Council (UNHRC) in Geneva through the Universal Periodic Review. In preparation for that report we conducted extensive consultations in the United States with a wide range of civil society organizations and Native American leaders. Last month we appeared again at the UNHRC meeting in Geneva to report our response to the recommendations made to us by other governments.

We also continually report on our human rights record pursuant to our treaty obligations. In January 2010, we submitted periodic reports on our implementation of the Optional Protocols to the Convention on the Rights of the Child. In 2011 we will be submitting periodic reports regarding implementation of the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of Racial Discrimination. In 2010, for the first time, a section on the United States was included in the State Department's Trafficking in Persons Report, and the United States was ranked based on the same standards to which we hold other countries.

A final word about the production of these reports. These 194 country reports are comprehensive, if not exhaustive. Their production is a Herculean endeavor requiring extra-ordinary efforts by a team of talented and committed human rights officers at U.S. Embassies around the world, and by their counterparts in Washington, D.C., including the dedicated staff in the Bureau of Democracy, Human Rights and Labor. Each country team collects, analyzes, and synthesizes information from a variety of sources, including domestic and international human rights organizations, other governments, multilateral organizations, and members of civil society. Once the reports are drafted, they are rigorously edited, reviewed, and fact-checked, to ensure accuracy and objectivity.

COUNTRY HIGHLIGHTS

In 2010, governments around the world continued to commit severe human rights violations and abuses. The paragraphs below describe the human rights situation and key trends in specific countries where abuses were especially serious. We also highlight Ukraine, where in 2010 there was backsliding after positive developments in previous years. The section begins with a discussion of several countries—Colombia, Guinea, Indonesia—that are highlighted for notable positive human rights developments in 2010.

Colombia is a country where there were notable improvements in the human rights situation in 2010. Soon after taking office in Au-

gust, President Santos and his administration strengthened the government's relationship with civil society and human rights defenders, holding high-level consultative sessions, publicly expressing support for human rights defenders and engaging them in dialogue, and supporting efforts to increase penalties for threats and violence against human rights defenders. The government advanced a Land and Victims' Law to provide for land restitution and victims' reparations. Extrajudicial executions decreased substantially from 2008 and 2009, and several senior military officers were convicted of human rights abuses. Some human rights abuses continued, such as some threats against human rights defenders and trade unionists. The Ministry of Defense began implementing an agreement with the office of the UN High Commissioner for Human Rights to monitor ministry measures to improve adherence to human rights.

In December 2010, Guinea inaugurated its first democratically elected president since independence from France in 1958. The people selected longtime opposition leader Alpha Conde, the candidate of the Rally of the Guinean People Party, as their president following two rounds of elections. Although there was some violence following the second round, the elections generally were regarded as free and fair.

Respect for human rights in Indonesia continued to improve in 2010, 12 years after the country's transition to democracy. While weaknesses in the justice system persisted, President Susilo Bambang Yudhoyono, democratically reelected in July 2009, remained a strong proponent of the rule of law and accountability and civil society, and the media remained among the most vibrant in Asia. Professionalization of the military continued, although some serious human rights abuses by military personnel occurred, particularly in Papua, and punishments, when imposed, were often not commensurate with the crimes committed.

Africa

Cote d'Ivoire ended 2010 in a standoff over the presidency, following October elections in which incumbent President Laurent Gbagbo, candidate of the Ivoirian People's Front, and opposition party leader Alassane Ouattara, candidate of the Rally for Republicans, advanced to the November 28 presidential run-off. On December 2, the Independent Electoral Commission declared Ouattara the winner with 54.1 percent of the vote as compared with 45.9 percent for Gbagbo. The election was declared fair and democratic by the UN and international and domestic observer missions. Gbagbo refused to accept the results, alleging voter fraud and intimidation in several regions, and both Ouattara and Gbagbo took oaths of office on December 3. At year's end, President Ouattara operated his government from the Golf Hotel in Abidjan under a blockade from pro-Gbagbo forces. Gbagbo retained control of state resources including the national television station, the security forces, and the treasury. There were credible reports of human rights abuses during this time. On December 16, security forces fired on supporters of President Ouattara during a demonstration march. At least 20 persons were killed, many wounded, and hundreds arrested. In the one week period from De-

cember 15-22, the UN Operation in Cote d'Ivoire human rights division reported 173 persons killed, 90 subjected to torture and ill-treatment, 471 others arbitrarily arrested and detained, and 24 persons missing. The overwhelming majority of these cases of extrajudicial killings, torture, detention, and disappearance, were committed by security forces loyal to Gbagbo. Human rights violations which took place after December 31 are not documented in the 2010 report.

Serious human rights abuses continued throughout the Democratic Republic of the Congo (DRC), particularly in the mineral rich, conflict-affected eastern and northeastern regions, where state authority remained non-existent or extremely weak. Human rights defenders have been intimidated, beaten, and, as in the case of prominent activist Floribert Chebeya, even killed. Armed entities—including elements of state security forces—perpetrated abuses with impunity and engaged in the illegal exploitation and trade of natural resources, particularly minerals. Revenues derived from the illicit trade in minerals, some of which supported armed conflict, fueled the continued insecurity in eastern DRC, aggravating an already precarious human rights situation. Rebel and militia groups in eastern DRC continued to engage in rape and looting campaigns in efforts to control communities residing near lucrative mining areas, and to reap mining-related profits that sustained the conflict and attendant abuses. Credible sources such as the UN Group of Experts on the DRC presented information indicating that some Congolese and international corporations' supply chains originated with suppliers who traded with armed entities—including elements of the state security forces—that committed serious human rights abuses.

Nigeria continued to be plagued by serious human rights abuses during the year. Security services personnel, including police, military, and State Security Service officers, committed extrajudicial killings and tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. The Joint Task Force, formed in 2003 to address the instability in the Niger Delta and consisting of military, police, and security services, conducted raids on militant groups and criminal suspects, resulting in numerous deaths and injuries to both alleged criminals and civilians. Corruption was pervasive at all levels of government and throughout the security forces. Ethno-religious violence also resulted in deaths and displacement during the year. Jos and the surrounding farmlands were the site of two major attacks in January and March. Up to 1,000 individuals, mostly women, children, and the elderly, were murdered, hacked to death, or burned alive.

Violence continued in Sudan throughout 2010. Nationwide elections held in April were not deemed fair and free by the international community, and observers noted numerous problems throughout the process. In Darfur, fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued to kill, injure, and displace civilians. This violence killed 2,321 persons during the year, according to the UN, an increase compared with the 875 persons killed in 2009. The government continued to conduct aerial bombardment. Gender-based violence, the use of child soldiers, and the obstruction of humanitarian orga-

nizations and the United Nations-African Union Hybrid Mission in Darfur continued to be problems. The government harassed, arrested, and beat civil society members in the north. In Southern Sudan, interethnic fighting and Lord's Resistance Army attacks continued to kill and displace civilians. According to UN estimates, violence in the south resulted in an estimated 986 deaths and the displacement of 223,708 persons during the year. Registration for the 2011 Southern Sudan self-determination referendum occurred in November and December. Lack of progress on preparations for a separate referendum on whether the border region of Abyei should be part of the north or the south led to sporadic violence and rising tensions in the area.

In Zimbabwe, security forces, police, and Zimbabwe African National Union-Patriotic Front (ZANU-PF)-dominated elements of the government continued to commit numerous, serious human rights violations with impunity, including torture, against non-ZANU-PF political activists and party members, student leaders, and civil society activists. ZANU-PF's dominant control and manipulation of the political process through trumped-up charges and arbitrary arrest, intimidation, and corruption effectively negated the right of citizens to change their government. Although there were fewer incidents in the first half of 2010, expectations that elections would be held in 2011 led to an increase in the number of cases of harassment and intimidation of civil society organizations and members of the media toward the end of the reporting period. The government continued to use repressive laws to suppress freedom of speech, including for members of the press, assembly, association, and movement. Military forces and other government agents also continued abuses in the Marange diamond fields.

East Asia and the Pacific

Despite the release of Aung San Suu Kyi, over 2,100 political prisoners remained in custody in Burma at the end of 2010. Many civil society activists were detained indefinitely and without charges, and regime-sponsored organizations engaged in harassment and abuse of human rights and prodemocracy activists. The government routinely infringed on individual privacy and restricted the freedoms of speech, press, assembly, association, religion, and movement. The government did not allow domestic human rights NGOs to function independently, and international NGOs encountered a difficult environment. The fall 2010 elections were neither free nor fair. The government continued its tight control of the activities of Buddhist clergy. Military forces in Burma continued to commit egregious abuses and violations against civilians in ethnic minority regions. These abuses included rape, torture, forced relocation, and forced labor. Violence and societal discrimination against women and minority religious communities continued, as did unlawful recruitment of child soldiers and trafficking in persons, particularly of women and girls. Workers' rights remained restricted and forced labor, including that of children, also persisted.

In Cambodia, members of security forces, acting with impunity, committed arbitrary killings. Human rights monitors reported arbitrary arrests and prolonged pretrial detention, underscoring a weak judiciary and denial of the right to a fair trial. Restrictions contin-

ued on freedom of assembly and expression, including for members of the press, and there was a growing abuse of defamation and disinformation lawsuits targeting opposition voices. Civil society expressed significant concern that the draft Law on Associations and NGOs could, if adopted, seriously constrain the ability of NGOs to operate. The draft law released in December included provisions that would impose burdensome reporting requirements on NGOs, prevent associations with fewer than 21 (later reduced to a still-onerous 11) members from attaining legal status, erect burdensome barriers to the registration of foreign NGOs, require foreign NGOs to collaborate with the government, and outlaw unregistered NGOs. Anti-union activity by employers and weak enforcement of labor laws continued, and exploitative child labor in the informal sector remained a problem.

In China, the negative trend in key areas of human rights continued. The government stepped up restrictions on lawyers, activists, bloggers, and journalists; tightened controls on civil society; and increased attempts to limit freedom of speech and control the press, the Internet, and Internet access in 2010. Authorities also increased the use of extralegal measures, including forced disappearances, strict house arrest, arbitrary detention in “black jails,” and other forms of “soft detention” to silence independent voices and punish activists and their families. Legal activist Chen Guangcheng, along with his wife and child, remained under house arrest, as did other released political prisoners. Public interest lawyers, who operated within China’s legal framework, were disbarred, beaten, or “disappeared” for taking on the defense of clients and issues deemed sensitive by the government. Bloggers and Web masters have been arrested and charged with “subverting state power” for re-tweeting a post or operating a Web site where others posted comments. The government also continued its severe cultural and religious repression of ethnic minorities in the Xinjiang Uighur Autonomous Region and Tibetan areas.

In North Korea, the human rights situation remained grim. During the year, the government maintained tight control over the flow of information into and out of the country. The government denied its citizens the right to due process and arbitrarily arrested and detained individuals, including for political crimes. Defectors and NGOs indicated that severe and systematic human rights abuses occurred throughout the country’s extensive network of prisons and detention centers. In addition, the government continued to enforce rigid controls over the freedoms of speech, press, assembly, association, religion, and movement and worker rights. There were no independent domestic human rights monitoring organizations, and the government denied international organizations and foreign NGOs access, making it impossible to assess accurately the true scope of the abuses occurring in the country or the validity of these reports.

The government of Vietnam continued to suppress dissent, tightened controls over the press, and limited the freedoms of expression, assembly, movement, and association. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. The government arrested at least 25 political activists, convicted 14 dissidents arrested in 2008, 2009, and

2010, and denied the appeals of another 10 dissidents convicted at the end of 2009. The judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. Freedom of religion continued to be subject to uneven interpretation and protection, particularly at the provincial and village levels. Internet freedom was further restricted as the government orchestrated attacks against critical Web sites and spied on dissident bloggers. The government limited workers' rights to form and join independent unions.

Europe

Authorities in Belarus arbitrarily arrested, detained, and imprisoned prodemocracy activists, journalists, and civil society representatives. In the wake of December 2010's flawed presidential election, authorities initiated a broad crackdown against demonstrators, detaining close to 700 persons and raiding offices and apartments belonging to members of independent media, NGOs, and the political opposition. Over 40 individuals, including several presidential candidates, now face up to 15 years in jail. Through its detentions and trials, the government of Belarus continually is creating new political prisoners. The judiciary lacked independence and suffered from corruption, inefficiency, and political interference; trial outcomes were often predetermined, and many trials were conducted behind closed doors. Official corruption throughout the government continued to be a problem.

In Russia, the government infringed on freedom of expression, assembly, and association, detaining certain demonstrators and continuing to pressure select NGOs, independent media, some religious minorities, independent labor unions, and political opposition. Attacks on and the murder of journalists and activists continued. There were reports of physical abuse by law enforcement, military hazing deaths, and harsh prison conditions. Rule of law and due process violations remained a problem, and government corruption was widespread. Xenophobic, racial, and ethnic attacks and hate crimes continued to be a significant problem. The conflict between the government and insurgents, Islamist militants, and criminal forces in the North Caucasus led to numerous human rights violations by all parties, which reportedly engaged in killing, torture, abuse, violence, and politically motivated abductions.

In Ukraine, despite beginning with free and fair presidential elections, the overall trend for 2010 was negative due to problematic local elections, intimidation of the media, and perceived selective prosecution of opposition figures. International and domestic observers found the October local elections did not reach the same standards of the presidential election, citing the registration of fraudulent opposition candidate lists, government pressure against election monitors and candidates, and election officials selectively barring or removing candidates from ballots- all prompting concern about the government's planned next steps for election reform. In addition, there were numerous reports that authorities attempted to direct media content and intimidate journalists. Although the government took steps in 2009 to better combat corruption, the international community expressed concern that politics motivated the new government's 2010 criminal investigation of 30 members

of the previous government for alleged corruption; several of these people were detained and subsequently charged.

Near East

Political tensions flared in the weeks preceding the October elections in Bahrain. The government arrested more than 200 Shia men it accused of inciting or involvement in street violence. Those arrested included some, but not all, of the leaders of two groups, Haq and Wafa', which reject the monarchy and had called for a boycott of the elections. The government charged 23 of those arrested with involvement in a "terror network" pursuant to the 2006 counterterrorism law. The electoral process also was marred by the government's banning of the two main legal opposition parties' Web sites and newsletters. The government did not allow international observers to monitor the elections. The government also continued to restrict freedom of assembly and association. Security forces intervened in demonstrations and limited and controlled political gatherings during the year. NGOs and civil society groups were required to register with the government and provide membership lists. In September, the Ministry of Social Development effectively shuttered a local human rights organization, Bahrain Human Rights Society, when a ministerial decree ordered the dissolution of the society's board of directors and appointed a ministry employee to be the group's interim head.

According to multiple sources, the Government of Iran executed approximately 312 persons in summary executions during the year, many after trials that were conducted in secret and/or did not provide due process. In many cases, persons executed supposedly for criminal offenses such as narcotics trafficking were actually political dissidents. Authorities held political prisoners and continued to crack down on women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was little judicial independence and few fair public trials. The government severely restricted the right to privacy and civil liberties, including freedoms of expression, including for members of the press, assembly, association, and movement, and it placed severe restrictions on freedom of religion. Vigilantes continued to attack young persons considered "un-Islamic" in their dress or activities, invade private homes, abuse unmarried couples, and disrupt concerts. Violence and legal and societal discrimination against women, children, ethnic and religious minorities, and LGBT persons persisted.

While the credible and legitimate national parliamentary elections in all 18 provinces on March 7 reflected a significant achievement in advancing the exercise of human rights, extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses in Iraq. There were reports that the government or its agents committed numerous arbitrary or unlawful killings, arbitrary detentions, and acts of torture connected to its security operations, often with impunity. Attacks by al-Qaida in Iraq and other extremists continued against Iraqi Security Forces (ISF), government officials, and civilians, often targeting urban areas, Christian churches, Shia markets, and mosques. On May 10, coordinated bombings and shootings resulted in at least 119 fatalities, including ISF and law

enforcement personnel. On August 17, a suicide bomber blew himself up in a crowd of army recruits in Baghdad, killing 61 persons. During the year, 962 Ministry of Interior personnel were killed and 1,347 were injured. Police officers, in particular, were targeted.

In Libya, Colonel al-Qadhafi and his close associates monopolized every aspect of decision-making in the government. Continuing human rights problems included torture, arbitrary arrest, official impunity, and poor prison conditions. A large but unknown number of persons remained in detention or prison for engaging in peaceful political activity or for belonging to an illegal political organization. The government significantly restricted media freedom and continued to restrict freedom of expression, and routinely monitored telephone calls and Internet usage, including e-mail communication with foreign countries. There also was physical surveillance of political activists and foreign organizations. The government owned and controlled virtually all print and broadcast media, and government-controlled media neither published nor broadcast opinions inconsistent with official policy. The Internal Security Organization routinely harassed journalists, and overly broad provisions of the penal code served as the basis for frequent charges of criminal defamation. The government severely restricted freedom of assembly and permitted public assembly only with advance approval. The government restricted the right of association and generally only allowed institutions affiliated with the government to operate; no NGOs functioned in the country. In the early months of 2011, protests erupted across Libya. Because they occurred outside of the reporting period, they are not documented in the 2010 report.

In Syria, security forces committed unlawful killings, detained political and human rights activists, and tortured and physically abused prisoners and detainees with impunity. The government also imprisoned several high-profile members of the human rights and civil society communities, in addition to the estimated 2,500–3,000 political prisoners previously detained. Lengthy pretrial and incommunicado detention remained a serious problem, and the courts systematically used “confessions” extracted under duress as evidence. Defendants’ claims of torture were almost never investigated. The government severely restricted universal freedoms of expression, assembly and association, religion, and movement.

South and Central Asia

An increasingly difficult security situation in Afghanistan resulted in a number of serious human rights abuses. Civilians continued to suffer from intensified armed conflict as conflict-related deaths increased by 15 percent during the year compared to 2009. Government and progovernment international forces were responsible for civilian deaths, specifically 16 percent of total civilian deaths. Human Rights Watch reported that timely and transparent inquiries or accountability of forces in the event of wrong-doing were often lacking when civilians were hurt or killed. Taliban and insurgent attacks, including politically targeted killings, escalated in both number and intensity. At least 30 individuals were killed on September 18, the day of parliamentary elections, and the Taliban claimed responsibility for killing three candidates during the campaign period between July and August. In August, five

campaign workers supporting Fauwzia Gilani in Herat were abducted and killed. There were also attacks on election officials. The elections themselves were marred by electoral fraud and widespread irregularities, including the establishment of a special tribunal to investigate the election results and complaints; low voter turnout; and insufficient conditions for participation by women. The government was plagued by official impunity and corruption and often failed to conduct effective investigations of human rights abuses committed by local security forces. Arbitrary arrest and detention remained a problem, and the judiciary lacked independence. Freedom of religion, including the right to change one's religion, was severely restricted. Women continued to face pervasive human rights abuses, including violence, insurgent attacks on girls' education, limited access to justice, and other limitations on their rights.

In Pakistan, allegations of extrajudicial killings and detention of civilians by the security forces were reported by several media outlets and NGOs. During the year, there was a significant increase in the total number of reported torture and rape cases of individuals in custody, almost double as compared to 2009. The Society for Human Rights and Prisoners' Aid reported 72 civilian deaths after encounters with police and 168 deaths in jails, an increase from the previous year. Militant and terrorist bombings in all four provinces and in Federally Administered Tribal Areas continued to result in deaths and injuries. According to the report, terrorist and extremist attacks and operations to combat terrorism and extremism resulted in 7,400 deaths, of which nearly 1,800 were civilians, over 450 were security forces, and over 5,100 were terrorists or insurgents. There were numerous reports of politically motivated killings in Karachi and Balochistan. According to a report by Dawn, 1,981 persons were killed in political violence in Karachi, of which 748 were targeted killings. According to Human Rights Watch, the targeted killing and disappearance of Baloch leaders, activists, and civilians increased in 2010. Religious freedom violations and violence and discrimination against religious minorities continued. Some people accused of blasphemy against Islam were sentenced to life imprisonment or capital punishment. One of them was Aasia Bibi, a Christian woman, who was sentenced to death in November, becoming the first woman to receive such a harsh sentence for blasphemy.

Uzbekistan continued to incarcerate individuals on political grounds. While one political prisoner, human rights activist Farhad Mukhtarov, was released during the year, 13 to 25 political prisoners remained in custody, and family members reported that many prisoners were tortured. Human rights activists, their family members, and members of certain religious groups reported harassment and arrest by police and other members of the security forces. Freedom of expression was severely limited and harassment of journalists increased during the year. Police and security services subjected print and broadcast journalists to arrest, intimidation, and violence, as well as to bureaucratic restrictions on their activity. The criminal and administrative codes imposed significant fines for libel and defamation and the government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or the govern-

ment. Freedom of association also was restricted. The government tightly controlled NGO activity and regulated Islamic and minority religious groups with strict legal restrictions on the types of groups that could be formed and registered. Forced adult and child labor was used during the cotton harvest.

Western Hemisphere

The government of Cuba released more than 40 political prisoners during the reporting period, including many notable human rights activists arrested in 2003, although most were released on the condition that they leave the country. Cuba continued to hold dozens of other political prisoners. The government suppressed human rights and fundamental freedoms, including freedom of speech, the press, assembly and association, movement, and religion. Human rights groups noted a marked increase in the use of short-term detentions designed to disrupt the work of civil society and harass activists. In addition, the government continued to stage public protests to harass and abuse activists and their families, particularly the Damas de Blanco ("Ladies in White"). Although the government characterized the mobs as spontaneous, participants frequently arrived in government-owned vehicles or were recruited by local Communist Party leaders from nearby workplaces or schools. In extreme cases, government-orchestrated mobs assaulted these individuals or damaged their homes or property. Members of the security forces monitored, harassed, and sometimes physically assaulted human rights and prodemocracy advocates, dissidents, independent journalists, detainees, and prisoners, and did so with impunity. The government did not recognize independent journalism, and subjected some independent journalists to travel bans, detentions, harassment, equipment seizures, and threats of imprisonment. Unauthorized assemblies of more than three persons can be punished by up to three months in prison and a fine, although these meetings were more likely to be broken up than prosecuted.

Respect for human rights and democratic institutions deteriorated over the past year in Nicaragua. Protesting opposition party members were denied freedom of assembly. March 2010 regional elections on the Caribbean coast were marred by allegations of widespread irregularities, and credible domestic NGOs were denied permission to monitor the election. Other issues include politicization of the judiciary and other government organs, substantial government interference with media freedom, and harassment of NGOs and journalists. Police did not protect demonstrators who protested government policies and allowed progovernment groups to engage in violent activities. The government continued to criticize religious leaders who expressed concerns about government practices and policies that affected public participation and democratic freedoms. Government officials publicly excoriated Catholic Church officials who denounced the manipulation of the electoral process.

In Venezuela, the government used the judiciary to intimidate and persecute individuals and organizations that criticized government policies or actions, including peaceful protesters, journalists, a judge, members of opposition political parties, NGOs, union and

business leaders, and ordinary citizens. Government officials also restricted freedom of expression, harassing and intimidating privately owned television stations, media outlets, and journalists through threats, property seizures, targeted regulations, and criminal investigations and prosecutions. In late December the National Assembly adopted a package of laws that further undermined democratic principles and practices in Venezuela, including a law delegating legislative authority to the executive that extended beyond the term of office of the outgoing National Assembly, in violation of the shared values of the Inter-American Democratic Charter, and laws imposing new restrictions on the independent media, the Internet, political parties, and NGOs.

NEAR EAST AND NORTH AFRICA

ALGERIA

Algeria is a multiparty republic of approximately 36 million citizens whose head of state and government (president) is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister. A 2008 constitutional amendment eliminated presidential term limits, and in April 2009 President Abdelaziz Bouteflika won reelection to his third term in office. Some opposition parties boycotted the election, arguing that restrictions on freedom of association skewed the election outcome in favor of the incumbent. While the state of emergency law implemented in 1992 remained in effect during the year, the Government concentrated its enforcement on the provisions restricting assembly and association. Security forces reported to civilian authorities.

Principal human rights problems included restrictions on freedom of assembly and association, which significantly impaired political party activities and limited citizens' ability to change the Government peacefully through elections. There were reports of arbitrary killings. Failures to account for persons who disappeared in the 1990s and to address the demands of victims' families remained problematic. There were reports of official impunity, overuse of pretrial detention, poor prison conditions, abuse of prisoners, and lack of judicial independence. Additionally, widespread corruption accompanied reports of limited government transparency. Authorities used security grounds to constrain freedom of expression and movement. Women faced violence and discrimination, and the Government maintained restrictions on workers' rights.

Terrorist groups committed a significant number of attacks against government officials, members of security forces, and, to a lesser extent, civilians.

RESPECT FOR HUMAN RIGHTS

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

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

On June 2, a mentally disabled man, Nouradine Nadri, died in police custody in Saida province, according to the Algerian League for the Defense of Human Rights' (LADDH) Saida province office. Police arrested Nadri following an altercation with the driver of a vehicle that accidentally struck him. According to LADDH, police brought Nadri to the province's security headquarters instead of transporting him to the hospital as stipulated by article 51 of the code of criminal procedures, which requires a medical examination before placing a suspect in custody. Nadri's family reported to LADDH that their son died following abuse by police.

Information on terrorism-related violence in the country was difficult to verify independently. The Ministry of Interior sporadically released information concerning the total number of terrorist, civilian, and security force deaths. During the year security forces killed, injured, or arrested approximately 1,935 suspected terrorists. According to press reports on official estimates, the total number of deaths was 619: suspected terrorists killed 65 civilians and 91 security force members, and security forces killed an estimated 463 suspected terrorists in military sweep operations that resulted in armed clashes. These numbers represent a decrease from the 804 deaths reported in 2009.

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

The year was marked by some violence. For example, on April 4, a terrorist attack killed seven communal guards in the eastern province of Bejaia. On June 12, a car bomb attack against a unit of the National Gendarmerie in Ammal between Boumerdes and Bouira left four security force members dead and at least 17 wound-

ed. An AQIM terrorist killed 11 gendarmes on June 29 during an ambush in Tinzaouatin in the province of Tamanrasset in the Algerian-Malian border area. AQIM claimed responsibility for all of these attacks. Former minister of interior Noureddine Zerhouni stated in 2008 that an estimated 400 terrorists operated in the country; the figure remained the most recent one available.

b. Disappearance.—Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s and continued to be a topic covered in the media and raised by local and international nongovernmental organizations (NGOs). The Government on August 26 listed the official number of disappeared cases as 6,544, which represented a significant reduction in the official number reported in previous years. During a March 2009 conference in Geneva, representatives of the Government's human rights advisory office, the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), stated that 8,023 persons remained missing or disappeared as a result of government actions between 1992 and 1999. In previous years the Government attributed 10,000 disappearances to terrorist kidnappings and murder. NGOs reported that security forces in the past played a role in the disappearances of approximately 8,000 persons.

The law 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 in later years 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 security forces caused.

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 during episodes of civil strife in the 1990s. On February 2, the Government added two additional provisions to the charter. The first provision stipulates that 3,455 public employees who were dismissed from their jobs for violent acts they committed in the 1990s would have the years they were out of their jobs counted towards their retirement pensions. The second provision allows families of the disappeared who filed claims after the original 2006 deadline to claim compensation. The amnesty also covered certain persons involved in Islamist militant and terrorist activities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. Some local NGOs, including SOS Disparus, Djazairouna, and LADDH, criticized the charter for enabling terrorists to escape justice and security forces for acting with impunity.

On January 11, the local human rights NGO Alkarama presented to the Government human rights commission the disappearance case of Lakhdar Bouzenia, who was allegedly arrested by security forces in 1993 and tortured. The case remained unresolved at year's end.

In a February 2009 report, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated that in 2008 it transmitted to the Government 768 cases of disappearances that were reportedly attributed to government forces between 1992 and 1999. Also in 2008 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 reportedly experienced complications and delays in receiving compensation. In September 2009 then minister of national solidarity Ould Abbas stated the Government had paid 11 billion dinars (approximately \$149 million) in compensation to families. According to the Government, as of the end of 2008, 25,316 claims had been filed for compensation under the charter. Authorities approved 13,866 claims and paid compensation on 12,339 of these claims. In August the Government revised that number, reporting that only 6,544 persons disappeared in the 1990s and that families in 6,420 of the cases previously received financial compensation.

Armed criminals conducted abuses against civilians including kidnappings, false checkpoints, and extortion, particularly in areas east of Algiers and in the southern portion of the country. In 2008 then 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 such practices; however, NGO and local human rights activists reported that government officials sometimes employed abusive treatment to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some individuals were tried and convicted in 2008. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that abusive treatment occurred in detention facilities, most often against those arrested on “security grounds.”

Amnesty International (AI) and other international organizations documented the mistreatment of terror suspects, where they have been “held in unrecognized places of detention without contact with the outside world, at times for prolonged periods, putting them at risk of torture.”

There were three reports of police abuse during the year.

In mid-April guards at El Harrach prison insulted Khalouf Fares, Nour Abdel Aziz, Yaakoub Bilal, and Karman Hurfi, who were awaiting trial on terrorism-related charges, according to AI. The men were also stripped naked in front of other detainees and guards and slapped.

On October 22, a police inspector in Setif received a 10-year prison sentence and a 50,000-dinar fine (\$677) for abusing his authority and fraud.

On November 11, a police officer was arrested in the wilaya (province) of Batna for allegedly sexually assaulting a woman in her home. The case was pending at year’s end.

During a September 2009 visit to El Harrach prison, Minister of Justice Tayeb Belaiz stated that the ministry had prosecuted and jailed 14 prison workers for mistreating prisoners in 2009.

AI and Human Rights Watch claimed that prisoners affiliated with hard-line Islamic organizations tended to receive harsher treatment than others. In 2008 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. There were no reports of any such allegations after 2008.

In October the World Organization Against Torture reported allegations of torture in the case of Abderrahmane Mehalli, who was reportedly mistreated by the Department of Intelligence and Security (DRS) immediately following his 2006 arrest. Mehalli, accused of belonging to an armed terrorist group, was punched and kicked and suffered simulated drowning at the hands of the DRS according to online reports.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards, and the Government did not permit visits to military, high-security, or standard prison facilities or to detention centers by independent human rights observers. Overcrowding remained a problem in many prisons. According to human rights lawyers, prison overpopulation was partially explained by the Government’s excessive use of pretrial detention. In 2008 the CNCPPDH conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, and problems with lighting, ventilation, nutrition, and hygiene.

According to the director general of the Prisons Administration, there were 58,000 prisoners in the country’s penal system held in 137 prisons. Prisons held men and women separately. In some cases overcrowding meant that juveniles were held with adults; however, in general the Government maintained separate juvenile detention centers. Pretrial detainees were held separately from convicted prisoners.

Prisoners were permitted weekly visits by their families; family members have the right to bring in food and clothes. Prisoners were permitted religious observance and had a place to perform prayers. All Muslim religious days were celebrated within prisons. In each prison inmates can submit complaints to the penitentiary administration or their lawyers. Follow-up on complaints, and investigation, can take time based on the content of the complaint, urgency, and the conditions of prisoner detention.

During the year the Government permitted the International Committee of the Red Cross (ICRC) and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits to persons held in places of detention run by the Ministry of Justice and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. Visitors to some prisons saw no signs of torture or mistreatment. Observers also noted an improved quality of medical care available to inmates in some prisons.

In April 2009 an amendment to the penal code permitted the substitution of community service for prison sentences for first-time offenders with a maximum prison sentence of three years. Authorities reiterated in July that the new law was designed to reduce recidivism and to alleviate overcrowding in prisons. An ombudsman does not exist to serve on behalf of prisoners or detainees.

In a 2008 report, UNCAT expressed concern over reports that the DRS, the intelligence agency tasked with internal security, maintained secret detention centers inside military barracks that operated outside judicial authority. During the year AI reported significant concerns that torture and abuse occurred in DRS facilities.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, overuse of pretrial detention occurred in practice. In 2008 the head of the Government-appointed CNCPPDH stated the abuse of pretrial detention tarnished the image of the country's justice system.

The head of the CNCPPDH explained in August that judicial error resulted in cases of "unjustified" pretrial detention due to a lack of incriminating evidence. On December 7, CNCPPDH president Farouk Ksentini cited his organization's 2009 human rights report in noting that "physical abuse and other brutalities" were committed against suspects during questioning and in pretrial detention.

Role of the Police and Security Apparatus.—The national police force, consisting of more than 140,000 members, falls under the control of the Ministry of Interior and has national jurisdiction. The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. Organizationally the DRS reports to the Ministry of Defense and exercises internal security functions, but it also performs functions comparable to the police in terrorism cases.

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

The criminal code provides mechanisms to investigate abuses.

On December 14, a 41-year-old man died in police custody under suspicious circumstances in Constantine. The man was found strangled in his cell the morning after his detention. A week after the death, local residents rioted in the streets. On December 27, national police director General Abdelghani Hamel said during a radio interview that police officers had been placed under investigation for not following procedures (removing the man's shoelaces) prior to the man's incarceration and that he likely committed suicide.

Arrest Procedures and Treatment While in 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 also are used to notify and require the accused and the victim to attend a court proceeding or hearing.

Police may make arrests without a warrant if they witness the offense. Public 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 under the law. Such individuals are obligated to answer questions posed to them by security forces, and they are not authorized to contact anyone. By law the initial court appearance in terrorism matters is not public.

At the end of the 12-day period, the detainee has the right to request a medical examination by a physician of choice within the jurisdiction of the court. Otherwise the judicial police appoint a doctor. The certificate of the medical examination is then entered into the detainee's file.

AI and other human rights groups expressed concerns about abuse and possible torture of suspects during this 12-day period. However, comments from numerous Guantanamo Bay detainees returned to the country and their lawyers indicated that these individuals received fair pretrial treatment in accordance with the law during the 12-day period.

Following the 12-day period, individuals involved in terrorism cases are placed under judicial control, which requires them to report weekly to a local police precinct and to reside at an agreed-upon address. Travel within the country is unrestricted. Travel abroad is not generally authorized.

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. According to local NGOs, pretrial detainees represented 11-12 percent of individuals held by prison authorities during the year.

Judges rarely refused prosecutorial requests for extending preventive detention, which by law can be appealed. Should the detention be overturned, the defendant has the right to request compensation.

There is no system of bail, but in nonfelony cases, suspects were often released on provisional liberty referred to as “judicial control” while awaiting trial. Under provisional liberty status, suspects are required to report weekly to the police station in their district and are forbidden to leave the country.

Most detainees have prompt access to a lawyer of their choice, and the Government provides legal counsel to indigent detainees. The penal code requires that detainees in pretrial detention are informed immediately of their rights 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 there were continued reports during the year that these rights were not extended to all detainees. Typically detainees had access to a doctor only at the end of their detention. Some detainees were held incommunicado without access to their families or lawyers.

Human rights advocates reported that authorities continued to hold Mohamed Rahmouni at the military tribunal in Blida on alleged terrorism charges but had granted him access to a lawyer. Rahmouni remained in prison at year's end.

In 2009 a court acquitted Mohamed Fatmia of terrorism charges. Fatmia was detained in Serkadji prison in 2008 and was held incommunicado throughout 2007.

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

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

Military courts in Oran, Blida, Constantine, and Bechar tried cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consisted of three civilian judges and two military judges. Although the president of each court was a civilian, the chief judge was a military officer. The permanent military court was composed of three members: a chairman (civilian magistrate from the civilian courts as president) and two assessors (from military personnel designated by the defense minister having at least the same rank of the defendant subject to trial).

By law defense lawyers must be accredited by the military tribunal to appear. Public attendance at the trial is at the discretion of the tribunal and some cases took place behind closed doors. Appeals are made directly to the Supreme Court. Military tribunals try cases, but they only occasionally disclosed information on proceedings. There was no public information available on any cases that were tried before the tribunals 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, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law.

Trial Procedures.—Defendants are presumed innocent and have the right to be present and to 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, but there were fewer reports of such incidents during the year. Defendants have the right to appeal. The testimony of men and women has equal weight under the law.

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

Civil Judicial Procedures and Remedies.—The judiciary was neither fully independent nor impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved reportedly influenced some 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; however, in practice government authorities infringed on citizens' privacy rights. According to human rights activists, the Govern-

ment 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 of the 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 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, gives the Government broad authority to restrict civil liberties and take legal action against what it considers to be threats to the state or public order.

A 2006 presidential decree continued to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s.

Radio and television were government-owned and frequently broadcast coverage favorable to the Government. During nonelection periods opposition parties and spokesmen regularly were denied access to public radio or television. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the 2009 presidential election and prior to the 2007 legislative and local elections. Several opposition parties stated that their daily media allotment during the three-week period was the first time they had been allowed media access since the previous election cycle.

The country’s print media consisted of numerous publications that supported or opposed the Government to varying degrees. Many political parties, including legal Islamic parties, had access to the independent press and used it to express their views. Opposition parties also disseminated information via the Internet and published communiqués.

The law permits the Government to censor, levy fines, and imprison members of the press. The Government indirectly censored and intimidated the media into practicing self-censorship by using defamation laws to harass and arrest some journalists; some members of the press faced retaliation for criticizing government officials. Other journalists and many political cartoonists, however, regularly criticized the Government.

The law defines defamation broadly, and the penal code imposes prison terms of up to 24 months and fines of 50,000 to 500,000 dinars (\$677 to \$6,770). Defamation includes “the insult” of government figures, including the president, members of parliament, judges, members of the military, and “any other authority of public order.” Furthermore, a 1990 law protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001 the Government amended laws to criminalize writing, cartoons, and speech that insult or offend the president, parliament, judiciary, or armed forces. Despite these regulations cartoonists and editorialists continued to enjoy some latitude in criticizing the Government.

On January 25, the Government blocked the independent Paris-based Algerian radio station Radio Kalima from broadcasting its programs to the country via the European satellite operator Eutelsat, according to Eutelsat.

In March Riad K., the correspondent of *El Bilad* in Chlef, received a two-month prison sentence after Senator Nourredine Belaredj filed a complaint following the September 2009 publication of an article criticizing the senator for corruption.

Also in March the Court of Bir-Mourad Rais (Algiers) fined the publisher of *Ennahar El Djadid*, Anis Rahmani, 50,000 dinars (\$677) following a complaint filed by the official news agency. He was accused of defamation.

In May the mayor of Ain Boudinar filed a complaint against Belkacem Belhamideche, the managing director of *La Reflexion* newspaper, following the June 2009 publication of an article quoting an entrepreneur denouncing corruption. A court sentenced Belhamideche to six months in prison.

The Government used defamation laws occasionally to pressure editors, journalists, and the owners of printing houses. In a 2009 letter to President Bouteflika, the international NGO Committee to Protect Journalists expressed concern for “the rising incidence of press freedom violations.” In 2008 Reporters without Borders (RSF) criticized the defamation laws as “repressive legislation.”

Omar Belhouchet, editor of the French-language newspaper *El-Watan*, faced government pressure throughout the year for articles published in his newspaper in

2009. In 2008 authorities brought a case against Belhouchet and reporter Salima Tlemcani for allegedly libeling a faith healer in a 2004 article. An Algiers court sentenced both to three months in prison and a fine of 50,000 dinars (\$677). The case remained pending at year's end. The charges against Belhouchet in connection with three libel cases relating to articles he published several years ago about airfare increases and police killings of demonstrators also remained unresolved. Belhouchet and Tlemcani remained free at year's end.

In January 2009 freelance journalist Hafnaoui Ghoul stated that unknown persons threatened him near his home in Djelfa. He claimed that authorities did not investigate the incident. According to RSF, officials have targeted Ghoul for years, repeatedly detaining, beating, and persecuting him for writing articles critical of the Government. At year's end Ghoul faced 16 pending lawsuits by local officials related to his articles on corruption.

During a February 2009 appeal hearing, a Mascara court sentenced Layadi El-Amine Yahia, a journalist for Le Carrefour d'Algerie, to one year in prison and fined him 20,000 dinars (\$271) for libel in an article implicating Mascara's commerce director in corruption. The court previously acquitted Yahia, who was unaware of the Government's appeal of his acquittal. Yahia appealed the February 2009 decision, but the court had not set a date for the hearing at year's end.

In March 2009 authorities in Ghardaia detained news Web site al-Waha editor Nedjar El-Hadj Daoud in connection with a 2005 defamation case, but subsequently released him within days for medical reasons. On May 11, a Ghardaia court sentenced Daoud to six months' imprisonment in a lawsuit related to an article published in 2006 involving then presidential chief of staff Labri Belkheir. According to RSF Daoud faced 20 pending defamation complaints in Ghardaia.

There were no developments in the 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 to 1995. Lounes faced legal pressure for more than 10 years while he operated the only private printing press in the country.

In 2008 an appeals court reduced the 2007 sentence of journalist Dhil Talal, convicted of defamation for an article exposing a government ministry's monetary losses, to a fine of 5,000 dinars (\$68) and a six-month suspended prison sentence. During the year there was no decision on Talal's 2008 appeal of his reduced sentence.

The Government exercised considerable economic leverage on the media, as most newspapers were printed at government-owned presses.

The Government continued to influence the independent press through the state-owned advertising company, National Agency for Communications, Publication and Advertising (ANEP), which decided whether independent newspapers would benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the Government, controlled the largest source of income for most newspapers and used this economic control to steer content in the press. As has been the case in recent years, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

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, after the Government banned it from operating in the country in 2004 for broadcasting a program featuring opposition figures criticizing the Government. In previous years international journalists had their accreditations denied, but there were no such occurrences recorded during the year.

Agence France-Presse (AFP) and Reuters maintained offices in the country, and the Government reaccredited both in February. In 2008 the Government revoked the AFP and Reuters bureau chiefs' press accreditations in response to allegedly inaccurate reports the agencies filed on terrorist attacks in the country.

In April the then communication state secretary to the prime minister gave a Tunis-based private channel, Nessma TV, a two-week notification to close its Algiers bureau, saying that the station did not have official authorization to work in the country. According to press reports, 12 complaints were filed against the channel during the year, including by the National Office of Copyrights. Despite the notice to close, Nessma continued to operate in the country, working through a local public relations firm.

Internet Freedom.—Access to the Internet was generally unimpeded; however, the Government monitored e-mail and Internet chat rooms. In August 2009 the Government enacted a law on cybercrime that establishes procedures for using electronic data in prosecutions and established the responsibilities of service providers to cooperate with authorities. In November 2009 then minister of post and information technology Hamid Bessalah announced that his ministry was creating a National

Center for Internet Data Exchange to protect Internet users from inappropriate content, cybercrime, and hackers.

By law Internet service providers face criminal penalties for the material and Web sites they host, especially if subject matters are "incompatible with morality or public opinion." The ministries of justice, interior, and post and information technology have oversight responsibilities. The cybercrime law provides sentences for six months to five years in prison and fines between 50,000 and 500,000 dinars (\$677 to \$6,770) for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

There were approximately 4.7 million Internet users, which represented approximately 13.6 percent of the population, according to figures released on June 30 by Nielsen Online.

In January the public could no longer access the Rachad opposition movement's Web site (rachad.org) or its Internet television site (rachad.tv). Rachad organizers accused the Government of jamming and infiltrating its sites.

Academic Freedom and Cultural Events.—Academic freedom generally was restricted. Academic seminars and colloquiums occurred with limited governmental interference, and there were delays in issuing visas to international participants and instances where authorities denied international experts entrance.

In May the Ministry of Higher Education and Scientific Research required academics to obtain approval before participating in conferences abroad and called on academics and researchers to coordinate with the Ministry of Foreign Affairs before attending or organizing conferences. Also that month the ministry cancelled the second Maghreb Forum on Democratic Processes and the Building of a Modern State two days before its scheduled start, providing no reason.

In June the Government banned three professors from Mouloud Mammeri University in Tizi Ouzou from participating in two scientific conferences in Morocco.

In an August interview with Arabic-language newspaper El-Bilad, director Mohamed Hazourli stated that authorities banned two episodes of his Ramadan sitcom Aasab wa Awtar wa Afkar (Nerves, Strings, and Ideas), and the series was taken off the air. The banned episodes addressed problems with local artists and their treatment from the Government.

On the margins of the 2009 Algiers Book Fair, authorities prevented anthropologist Tassadit Yacine from holding a conference on the work of Jean Amrouche, a Berber writer from the Kabylie.

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 significantly curtail this right. A decree implemented in 2000 banning demonstrations in Algiers remained in effect. Authorities required citizens and organizations to obtain permits from the Government-appointed local governor before holding public meetings. The Government restricted licenses to political parties, NGOs, and other groups to hold indoor rallies and frequently granted permissions on the eve of the event, thereby impeding publicity and outreach.

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

On March 7, police prevented a sit-in of 40 broadcast journalists on a hunger strike protesting low wages and unfair working conditions. The managing director of the National Company of Radio Broadcasting filed a complaint on March 12 against seven reporters for illegally entering a public premise and hindering the work of the public radio service.

In May security forces sealed the headquarters of the Maison des Syndicats (Unions House) rented by the autonomous union syndicate. The action coincided with the beginning of an international social union forum in Algiers. The Government ordered the property owner to prohibit the organization of trade union activities at the premises.

In May police blocked a rally organized by the Bezzaf (Enough) Movement in front of the offices of state television to demand press freedom. The police detained four protest organizers as they approached the site on the grounds of inciting a gathering "that could disturb public tranquility," which is an offense under the penal code. Police questioned the organizers and released them the same day.

In August the wali of Annaba refused to allow the Abdellah Djaballah wing of the Islam Movement to organize an iftar at Teleferic hotel. Annaba officials did not give any justification for the refusal.

SOS Disparus, an NGO representing relatives of persons who disappeared during the 1990s civil conflict, held weekly sit-ins in front of CNCPPDH headquarters until August, when government authorities began preventing this activity. According to witnesses police dispersed the crowd and beat and arrested some demonstrators on at least one occasion. In August the group tried again to hold its weekly sit-in, but police prevented the gathering.

On November 4, Algiers airport authorities denied entry to Tarek Labidi, a Tunisian lawyer and member of the National Council of Liberties, who was traveling for a LADDH conference on good governance and civil society. Authorities provided no justification for his denial of entry.

In January 2009 police prevented a peaceful demonstration organized by the Workers' Party to show solidarity with Palestinians in the Gaza Strip. Police dispersed the crowd and allegedly beat and arrested some demonstrators. In February 2009 police prevented a sit-in organized by contract teachers who attempted to demonstrate near the presidential offices.

Freedom of Association.—The constitution provides for the right of association; however, the Government and the emergency decree severely restricted this right in practice. The Ministry of Interior must approve all political parties before they are legally established. The Government restricted the registration of certain NGOs, associations, and political parties on security grounds but declined to provide evidence or legal justification 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 Ministry of Interior may deny a license to or dissolve any group regarded as a threat to the Government's authority or to public order. The law implementing the 2006 amnesty prohibits political activities by anyone responsible for having used religion leading to the "national tragedy," that is, the 1990s civil conflict.

The Government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The Ministry of Interior 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 by law on a series of authorizations from the ministries of interior and national solidarity. These authorizations remained difficult to obtain. According to the Ministry of Interior, there were 81,000 registered associations, 5,000 of which were active during the year. SOS Disparus remained unrecognized and continued to operate facing government interference.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 in practice.

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, asylum seekers, stateless persons, and other persons of concern.

Under the 1992 emergency decree, the interior minister and 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 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 Government also prevented overland tourist travel between the southern provinces of Djanet and Tamanrasset, citing the threat of terrorism.

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

The family code does not permit anyone under 18 to travel abroad without a guardian's permission. Married women under 18 years of age may not travel abroad without permission from their husbands.

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

Protection of Refugees.—The country's laws provide for granting asylum or refugee status, and the Government had 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 UNHCR, the Government did not accept UNHCR-determined refugee status for individuals from sub-Saharan Africa fleeing conflict. As of January, 192 asylum seekers, mostly sub-Saharan Africans, registered with the UNHCR. There were reports that the Government deported some asylum seekers after trials without legal counsel. Refugees holding valid UNHCR documentation were less likely to be deported. 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. Nonetheless, Algerian authorities tolerated the presence of these asylum seekers in the country.

The Government provided protection to an estimated 90,000 Sahrawi refugees who departed Western Sahara after Morocco took control of the territory in the 1970s. The UNHCR, World Food Program, Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. Neither the Government nor refugee leadership allowed the UNHCR to conduct a registration or complete a census of the Sahrawi 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion, as was the case with the Sahrawi refugees.

Sahrawi refugees lived predominantly in camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Harma and Rio de Oro (Polisario). The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts for Sahrawis.

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 through periodic elections based on universal suffrage. However, restrictions on freedom of assembly and association, as well as restrictions on political party activities, limited this right.

Elections and Political Participation.—The constitution mandates presidential elections every five years. In 2008 President Abdelaziz Bouteflika announced his intention to seek parliamentary approval for a set of constitutional amendments that included removal of presidential term limits. One month later the parliament approved the proposed amendments by a wide margin with minimal debate.

A contested, multiparty presidential election was held in April 2009 in which the incumbent was elected to a third term. Official election statistics indicated that President Bouteflika won the election with 90.2 percent of the votes and a voter turnout of 74.6 percent. Opposition parties and defeated candidates estimated voter turnout was actually in the range of 18 to 55 percent.

Election observers from the Arab League, African Union, and Organization of the Islamic Conference stated in a press conference that the 2009 election was fair and transparent. Some international experts commented, however, that observers monitored only election-day procedures and were not on the ground to evaluate pre-election activities. Others noted that the complexity of some election procedures created room for fraud and government influence. Two opposition parties, the Rally for Culture and Democracy (RCD) and the Socialist Forces Front (FFS), boycotted the election, arguing that restrictions on freedom of association disadvantaged potential challengers and made the outcome of the election a foregone conclusion. LADDH pointed to a lack of critical debate in the media and favorable treatment of the incumbent by state-owned media.

There were complaints during the three-week campaign that public areas dedicated to election propaganda did not display each candidate's materials equally. Some candidates reported interference from local election committees when organizing meetings with voters and filed complaints with the National Election Commission. In March 2009 the Party of Liberty and Justice (PLJ) reported that one of its campaign buses was vandalized by a group of youths as PLJ's candidate left a meeting with supporters in the Algiers neighborhood of Bab El Oued. In the same month, authorities arrested an FFS official in Tizi Ouzou for distributing pamphlets calling for a boycott of the election. In April 2009 police blocked a group of RCD party members who attempted to march in an Algiers suburb to encourage voters to boycott the election. In general all candidates received equal access to television and radio media as stipulated in the electoral code.

There were reports of restrictions placed on opposition political parties. Opposition candidates complained that the Ministry of Interior 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 Ministry of Interior to be established. To obtain approval a party must have 25 founders from across the country whose names must be registered with the ministry. A party must have received 4 percent of the vote or at least 2,000 votes in 25 wilayas in one of the last three legislative elections to participate in national elections, making it very difficult in practice to create new political parties.

In 2009 Mohamed Said was a candidate for the April presidential election. His party's request for accreditation by the Ministry of Interior remained pending at year's end. The Ministry of Interior did not approve any political parties during the year.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. In 2008 Wafa party leader Ahmed Taleb Ibrahimi announced his withdrawal from politics after the Government's continued refusal to register his party because of its perceived ties to the banned FIS. No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements. According to the law political parties cannot receive direct or indirect financial or material support from any foreign parties. The law also stipulates that resources are collected from contributions of the party's members, donations, and revenue from its activities in addition to possible state funding.

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

In accordance with the law, the Government promoted political rights for women by encouraging increased female representation within elected assemblies.

The ethnic Amazigh (Berber) population of approximately 10 million participated freely and actively in the political process and represented one-third of the Government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties of two to 10 years in prison for official corruption, and the Government implemented the law more effectively than in previous years. World Bank governance data reflected the existence of a corruption problem.

Although a 2006 law established a national anticorruption program, it does not require elected and senior officials to declare their assets. The law does not provide parliamentary immunity in certain cases. Two presidential decrees published in 2006, however, make high-level government officials subject to financial disclosure laws. The decrees also stipulate the formation of an anticorruption agency, and the Government announced its creation in August as well as new policies to strengthen the role of the accounting court.

Irregularities, including the excessive use of private agreements often affected public procurement. According to the Ministry of Public Works, following the president's 2005 prohibition on the use of private agreements, including sole-source contracts, government agencies began implementing a public tender policy for all infrastructure and large government projects. For those public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined. Some agencies, however, continued to use direct contracts for public works projects. In July a presidential decree mandated that all financial transactions involving more than 500,000 dinars (\$6,770) be conducted by credit card, check, or other noncash method in an effort to increase financial transparency, track illegal financing of terrorism, and reduce the possibility of corruption.

During the year major corruption investigations targeted operations in four executive branch ministries: Energy, Public Works, Fisheries, and Transportation. The DRS conducted the investigations of the major corruption cases throughout the year, rather than the Ministry of Justice or any other specialized entity.

A notable corruption case during the year involved several private businessmen and senior executives at the country's national oil company, Sonatrach. The men apparently awarded contracts in violation of the public procurement code. In late January police arrested several top company officials. All defendants in the case were pending trial at year's end. Following the incident, then energy/mines minister Chakib Khelil was relieved of his position in May in a broad cabinet reshuffle.

In April an Algiers court ordered the arrest of the current and former directors of the Port of Algiers and four other port officials for misappropriation of public funds. The defendants were pending trial at year's end.

Also in April police arrested 17 customs officials at the Algiers Airport for accepting bribes in exchange for foregoing baggage searches. The officials were under judicial control, awaiting trial, at year's end.

In July two officials from the Ministry of Fisheries and Marine Resources received two-year prison sentences for accepting bribes in exchange for allowing Turkish and Algerian ship owners to exceed catch limits on bluefin tuna, a species designated endangered by the International Union for the Conservation of Nature and Natural Resources.

According to an August 2009 press report, the court of Cheraga charged four Algiers police officers with trafficking stolen cars. Authorities placed one of the officers in pretrial detention in El-Harrach prison. The court placed the three other officers under judicial control pending the outcome of their trial.

In October 2009 an Algiers court began questioning high-level government officials suspected of extortion and influence peddling in awarding contracts to foreign companies involved in the construction of the East-West highway, one of the country's largest infrastructure projects. Authorities arrested and levied corruption charges against the Secretary General of the Ministry of Public Works, Mohamed Bouchama, and a DRS colonel who served as a Ministry of Justice advisor. In December 2009, authorities indicted the Ministry of Public Works chief of staff, Ferachi Belkacem, in connection with the same case. Authorities placed Belkacem under judicial control. At year's end the outcome of the trial remained pending.

In December 2009 the press reported a corruption scandal in the customs service dating back 10 years. Authorities charged five customs executives, six customs agents, and five waste exporters with forgery, filing false declarations, underinvoicing, and embezzlement of public funds. The report estimated losses between 1998 and 2001 at 100 billion dinars (approximately \$1.35 billion). Officials arrested the five customs executives and placed the remaining suspects under judicial control pending the outcome of their trial.

According to a December 2009 press report, the inspector general of finance conducted 128 audits and issued 160 investigation reports on corruption during the year. In 2008 press reports quoted Ministry of Interior officials stating 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.

The media focused on corruption in the customs police. According to press reports, 960 customs officials faced disciplinary commissions for official negligence or corruption charges between 2005 and 2008. Customs officials reported 215 disciplinary cases during the first quarter of 2008; 118 cases resulted in official reprimands, and nine cases resulted in suspensions.

Although permitted under the constitution, authorities restricted access to government information. There is no law facilitating access to information. Throughout the year the Ministry of Justice, in cooperation with the UN Development Program, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. As a result, citizens were able to request personal legal records from the courts and receive the documents the same day.

In May the Government created the Ministry of Prospective Planning and Statistics. However, lack of government transparency remained a serious problem. Although the Government did not release many economic statistics, the new ministry released such figures. Most ministries had Web sites, but not all were regularly maintained to provide updated information. The Ministry of Justice provided information on citizens' rights and legislation.

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

The Government continued to restrict and to harass some local NGOs and impeded the work of international NGOs. Although some human rights groups, including the Algerian League of 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 address sensitive issues.

The Government was not responsive publicly to reports and recommendations from domestic human rights NGOs and interfered with attempts by some domestic

and international human rights groups to investigate and publish their findings. Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad without approval from the ministries of national solidarity and interior. 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 associate with these organizations.

The most active independent human rights group was LADDH, a legally recognized NGO with members throughout the country. 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, a separate organization based in Constantine, was licensed, and members throughout the country monitored individual cases.

By law NGOs not legally recognized by the Ministry of Interior cannot conduct investigations. Sometimes, however, even legally recognized NGOs were prevented from conducting investigations. For example, LADDH did not have access to prisons or detention centers.

International NGOs continued to experience delays in obtaining visas, and outright refusals occurred. Delays in processing visa applications prevented some NGOs from conducting programming during the year. However, during the year the Government granted visas to personnel of several organizations that had not previously been able to obtain visas. The Government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.

On September 5, authorities detained Djillali Hadjadj, the Algerian representative of Transparency International. He had been sentenced without his knowledge to three years in prison for forging prescriptions. Several international and local NGOs called for Hadjadj's immediate release. A court gave Hadjadj a six-month suspended sentence and a 100,000 dinar (approximately \$1,350) fine.

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), the UN special rapporteur on extrajudicial executions (pending since 1998), the UN special rapporteur on human rights and counterterrorism (pending since 2006), and the UN special rapporteur on arbitrary detention (pending since 2009). The Government accepted visits of UN special rapporteurs on violence against women in 2007 and freedom of religion or belief in 2002.

In an August radio interview, CNCPPDH president Farouk Ksentini, citing Prime Minister Ahmed Ouyahia, stated that UN special rapporteurs would have access to the country but that international NGOs would remain banned because they allegedly supported terrorists in the 1990s.

According to local AI representatives, in November 2009 AI explored the possibility of visiting the country, but at year's end had not received a response to its request. AI officials have not visited the country since 2005 and were denied visas in 2006.

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

The constitution prohibits discrimination based on birth, race, gender, 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. The law criminalizes nonspousal rape but does not address spousal rape. 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 and many women did not report incidents of rape because of societal pressures and bureaucratic problems in securing convictions. Women's rights activists reported that law enforcement authorities became more sensitive to the issue compared to previous years, evidenced by the implementation of the 2007-2011 national strategy combating violence against women. 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.

Domestic NGOs reported that physical violence against women increased. Since November 2009 approximately 8,500 women were officially reported victims of domestic violence with 3,500 physically abused, 2,500 violently assaulted, 1,000 sexually assaulted, 600 sexually harassed, and 100 killed, according to the Algiers-based Center of Information and Documentation on the Rights of Women and Children.

In a 2009 report, police registered 9,517 complaints of violence against women in 2008. According to the CNCPPDH, approximately 4,500 women were victims of assault during the first half of 2008. Police statistics for 2009 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. During 2009 a national study showed that 67.9 percent of women acknowledged that spousal abuse occurred in the country.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N'Soumer, spoke 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 traditional 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 established a counseling center for women suffering from sexual harassment in the workplace. SOS Femmes en Detresse operated one call center in Algiers, but a second call center in Batna was closed. During the first eight months of the year, the Algiers call center received more than 2,500 calls.

The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (approximately \$677 to \$1,350). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police in 2008, the most recent year for which figures were available. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 800 women; however, only 50 of the women seeking assistance filed formal complaints.

The Government did not impose restrictions on the right of couples and individuals to decide the number, timing, and spacing of their children. There were no restrictions on access to contraceptives, yet contraceptives were harder to obtain for single women. In 2009 the Health Ministry's Office of Family Planning conducted a public health awareness campaign. According to the office, 62 percent of women, mainly married, regularly used contraceptives. According to UN estimates, the maternal mortality ratio in the country was 120 deaths per 100,000 live births in 2008. Government hospitals provided skilled attendance during childbirth as well as obstetric and postpartum care and equally diagnosed and treated women for sexually transmitted infections, including HIV.

The constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminate against women. The family code contains elements of Sharia (Islamic law). 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 to both her children and spouse. Muslim men may marry non-Muslim women.

Women can seek divorce for irreconcilable differences and violation of a prenuptial agreement. In a divorce the law provides 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 if they had custody of the children.

The family code affirms the Islamic practice of allowing a man to marry as many as four wives. According to the family code, polygamy is only permitted upon the permission of the first wife and the determination of a judge as to the husband's financial ability to support an additional wife. In practice, however, this occurred in 1 to 2 percent of marriages.

Amendments to the family code supersede the Sharia requirement that a male sponsor consent to the marriage of a woman. Although this requirement has been formally retained and the sponsor continues to contract the marriage, the woman may choose any man that she wishes to be the sponsor. The sponsor represents the woman during the religious or civil ceremony.

Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law purports that 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. In practice, women did not often have exclusive control over assets that they brought to a marriage or that they earned.

Married women may take out business loans and use their own financial resources.

Despite constitutional and legal provisions providing for gender equality, in practice women faced discrimination in employment. Leaders of women's organizations

reported that discriminatory violations were common and that women were less likely to receive equal pay for equal work or receive promotions.

In urban areas, there was social encouragement for women to pursue higher education and/or a career. Girls graduated from high school more frequently than boys. According to 2010 statistics, women represented 55 percent of the medical profession, 60 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. 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. Out of nine million workers nationally, two million were female. Women may own businesses, enter into contracts, and pursue careers similar to those of men.

Children.—Citizenship and nationality are transmitted from the mother or father. Under the law, children born to a Muslim father are Muslim, regardless of the mother's religion.

The Government provides free education for children through high school. Education is compulsory until the age of 16 years. The Government provided free medical care for all citizens, including children with disabilities, albeit in generally rudimentary facilities, and to both sexes equally.

Child abuse is illegal but continued to be reported as a problem. NGOs specializing in children cited continued instances of domestic violence against children, which they attributed to a "culture of violence" stemming from civil strife in the 1990s, including 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. The National Foundation for Health Progress and Research Development (FOREM), a children's rights watchdog NGO with EU funding, estimated that approximately 10,000 children suffered some form of abuse.

The criminal code prohibits solicitation for prostitution and stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor under the age of 18 years. According to the law, the age for consensual sex is 16 years. The law stipulates a prison sentence of between 10 and 20 years for rape when the victim is a minor but this sentence was rarely carried out. The law prohibits pornography and establishes prison sentences of between two months and two years as well as fines up to 2,000 dinars (approximately \$27).

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The country's Jewish population numbered fewer than 2,000 persons, and there were no functioning synagogues. The Government did not promote antibias education, and there is no hate crime legislation.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 in practice the Government did not effectively enforce these provisions. The law provides services, including free medical care, for persons with disabilities; however, there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity (MNS) provided some financial support to health-care-oriented NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets.

The MNS maintained that there were two million persons with disabilities in the country, of whom the largest percentages were classified as "chronically ill" or "other" (38 and 30 percent, respectively). However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country. The Government estimated that approximately 44 percent of disabled citizens had some form of motor disability, 32 percent had communication difficulties, and 24 percent suffered from a visual disability. The Government classified approximately 193,000 individuals as "fully disabled" and claimed during the year to have appropriated 9.54 billion dinars (approximately \$129 million) for their welfare.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The penal code criminalizes public homosexual behavior for

males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (approximately \$7 to \$27). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (approximately \$135).

There was societal discrimination against homosexual conduct. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities.

Other Societal Violence or Discrimination.—HIV/AIDS was widely considered a shameful disease in the country. According to 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 testing services to detect HIV/AIDS. Only 51 percent of women, both single and married, noted use of condoms to prevent infection. In response to societal discrimination, 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 7. Worker Rights

a. The Right of Association.—The constitution allows workers who are citizens to join unions of their choice but requires workers to obtain government approval to form a union. The labor unions law requires that the Ministry of Labor 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 perceived by authorities as contrary to the established institutional system, public order, good morals, or the laws or regulations in force. Approximately two-thirds of the labor force belonged to unions. The General Union of Algerian Workers (UGTA) was the only legally recognized labor confederation. The UGTA includes specialized national unions; its density is highest in the public sector. Workers may form independent unions. There were no new unions formed during the reporting period, but existing unions focused on increasing their visibility.

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, such as delays in processing registration requests. Since 1996 the Autonomous Unions Confederation, which functions without official status, repeatedly attempted to organize the autonomous unions, without success. The Government did not allow the autonomous union of public sector workers (SNAPAP) to register as a national confederation. SNAPAP and other autonomous unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests.

For example, on May 13, Algiers authorities shut down the House of Unions after SNAPAP planned to organize a conference on unions in the Maghreb. Two days ahead of the conference, the wilaya of Algiers sealed the premises. There were reports that some citizens lodged a complaint regarding noise in the building housing the House of 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 conditions. All public demonstrations, including protests and strikes, must receive prior authorization, according to the emergency law. Several dozen strikes occurred throughout the country. 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. Authorities rarely give permits for public gatherings. 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 authorities tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers in effect since 2001. The courts challenged the legality of strikes called by teachers, doctors, and health-care professionals during the year.

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; however, the UGTA remained the only union authorized to negotiate collective bargaining agreements. According to the UGTA, nine million workers were covered by collective bargaining agreements, not including foreign migrant laborers.

On October 7, workers at the ArcelorMittal steel plant in Annaba halted a strike at the request of the UGTA, which began negotiating their demands. The workers at the plant received increased pay as a result of the negotiations.

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 are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits all forms of forced or compulsory labor; however, there were reports from the Ministry of Labor and NGOs that such practices occurred. Forced labor conditions existed for migrant workers that were not fully protected by labor law. Construction workers and female domestic workers were reportedly vulnerable.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 15 years, except for apprentice positions. To serve as an apprentice, minors must have the permission of a legal guardian. Despite the labor code's prohibition of the practice, child labor remained a problem in the agriculture and the informal sectors.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The Ministry of Labor is the entity charged with monitoring and enforcing child labor laws, with sections across the country responsible for monitoring violations and conducting a census of workers in national and private companies. The ministry conducted and in some cases investigated companies suspected of hiring under aged workers. However, monitoring and enforcement practices for child labor were not consistent.

During a November 2009 conference on children's rights, FOREM representatives stated that there were approximately 300,000 children under 16 years of age working in the country on farms and in shops. Including children who work in households and as vendors, the number of working children in the country stood at approximately 1.5 million in 2010, according to FOREM.

The Ministry of Labor is responsible for enforcing child labor laws, but enforcement was hindered by insufficient human resources. During the year FOREM implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participating in the workforce. Roughly 300,000 students drop out of school annually to join the workforce, according to FOREM.

e. Acceptable Conditions of Work.—The national minimum wage of 15,000 dinars (approximately \$203) per month did not provide a decent standard of living for a worker and family. The minimum wage was raised to this level in 2009 by a tripartite social pact between business, government, and labor. Autonomous unions, which were not included in tripartite talks, reported the increase was inadequate and would not affect the majority of workers who already earn more than the minimum wage. The previous tripartite negotiation occurred in 2006 and established a minimum wage of 12,000 dinars (approximately \$163). Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement remained inconsistent.

The standard workweek was 37.5 hours included one 10-minute break and one hour for lunch per day. Employees who worked longer than 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 Ministry of Labor effectively enforced these 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 occupational health and safety standards, but Ministry of Labor inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they reserve the right to renegotiate their contract or, failing that, resort to the courts. While this legal mechanism exists, the

high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immigration status were not protected by the country's labor standards, making them vulnerable to exploitation. Labor law does not adequately cover migrant workers.

BAHRAIN

Bahrain is a monarchy with a population of approximately 1,235,000, including approximately 569,000 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; approximately half are members of the minority Sunni Al-Khalifa ruling family. The 2002 constitution reinstated a bicameral, legislative body consisting of an upper house, the Shura Council, whose members are appointed by the king, and a lower house, the elected Council of Representatives. Approximately 67 percent of eligible voters participated in the October parliamentary and municipal council elections, the outcome of which was affected by extensive gerrymandering of districts. The opposition, Shia Islamist Al-Wifaq political society won all contested 18 seats in the 40-member Council of Representatives. Security forces reported to civilian authorities.

Citizens did not have the right to change their government. Trafficking in persons and restrictions on the rights of foreign resident workers continued to be significant problems. There were numerous reports of abuse against foreign workers, particularly female domestic workers. There were many reports of domestic violence against women and children. Discrimination on the basis of gender, religion, nationality, and sect, especially against the Shia majority population, persisted. There were multiple allegations of mistreatment and torture, especially of Shia activists associated with rejectionist and opposition groups. Authorities arbitrarily arrested activists, journalists, and other citizens and detained some individuals incommunicado. Some detainees did not always have adequate access to their attorneys. At least two of the detainees were dismissed from their public-sector jobs prior to the commencement of judicial proceedings. The Government restricted civil liberties, including freedoms of speech, press, assembly, association, and some religious practices. There were instances of the Government imposing and enforcing official and unofficial travel bans on political activists. The Shia are underrepresented in positions of leadership in the civil service, police, and 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.

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 multiple allegations during the year that security forces employed them. On February 8, Human Rights Watch (HRW) issued a report asserting that “since the end of 2007, officials have repeatedly resorted to torture for the apparent purpose of securing confessions from security suspects.” The former detainees interviewed for the report claimed that security officials and prison guards subjected them to “abusive tactics” during interrogation. In some cases in 2009, Ministry of Health doctors found corroborative evidence of injuries that matched the detainees’ claims of mistreatment. According to senior government officials, the Government initiated an investigation of HRW’s allegations. At year’s end the Government had not published the investigation’s findings.

From August to December, local and international human rights NGOs asserted that security personnel had tortured more than two dozen detainees. During court proceedings from October to December, many of these detainees claimed that officers of the National Security Agency mistreated and tortured them. Detainees claimed that they had been beaten, suspended in painful positions, forced to stand for long periods, deprived of sleep, and subjected to electric shocks. During trial proceedings in October and November, defense lawyers requested an independent investigation into the torture allegations, to include independent medical exams. The prosecutor asserted in December that claims of torture had been investigated. At year’s end neither the court nor the Government had released the findings of any such investigation.

Local human rights organizations and lawyers also reported alleged instances of abuse by law enforcement authorities in connection with the approximately 200 men and juveniles detained between August and December.

Local human rights activists and attorneys alleged that many of the 23 Shia activists arrested in August and September and charged pursuant to counterterrorism legislation, including a prominent blogger, were beaten, subjected to electric shocks, hung upside down, and beaten on their feet (*falaqa*). During court sessions in October, November, and December (see section 1.e.), all detainees claimed they were beaten by National Security Agency officers, with some claiming they were subjected to electric shocks, made to stand for long periods of time, and made to sign confessions during or after mistreatment or torture.

Prison and Detention Center Conditions.—The Government, which maintained that prison conditions met international standards, did not release any detailed information about the prison population or prison and detention center conditions, nor did it permit visits by independent human rights observers. A UN report in March described “suboptimal health conditions” in prisons. In the second half of the year, some detainees alleged that security personnel physically abused them and, in some cases, withheld medical care, including access to medication and medical equipment.

In August approximately 70 prisoners in the country’s central prison in Jaw protested their living conditions, and some prisoners went on hunger strike. In response members of the quasigovernmental National Human Rights Authority visited the prison; however, the body did not issue a public report. A local human rights NGO reported that the Jaw prison population was more than 1,300, although the prison had been designed to hold only 500 inmates. According to the Office of the Inspector General of the Ministry of Interior, the Jaw prison held 1,100 inmates.

Authorities generally permitted inmates reasonable access to visitors and religious observance. However, the Government temporarily suspended visitation rights for some inmates in the aftermath of the unrest in Jaw prison. In addition the Government did not permit family members to visit dozens of detainees arrested on security-related charges for at least several weeks.

The Government did not permit independent monitoring of prison or detention center conditions, nor was there an ombudsman for prison and detainee issues. It is unknown if prisoners could submit complaints about treatment for investigation.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. However, local human rights activists and attorneys alleged that police and National Guard units arbitrarily arrested or abducted Shia men and youth during the year, particularly from August to October, and that security officials held some incommunicado for days or weeks.

The Office of the Inspector General of the Ministry of Interior received an unknown number of complaints pertaining to pretrial detention, although it was not clear how many of these resulted in investigations or penalties.

Role of the Police and Security Apparatus.—The Ministry of the Interior is responsible for public security; it controls the public security force and other specialized security units that are responsible for maintaining internal order. The Bahrain Defense Force is responsible for defending against external threats and provides internal security. The security forces were generally effective in maintaining internal order.

The Office of the Inspector General of the Ministry of Interior received 246 complaints between January and October, of which 121 were not related to police conduct. Nineteen cases were referred to the Ministry’s legal affairs directorate for further action. The ministry maintained a hotline for citizens to report police abuses; however, many in the Shia community believed the Government condoned police misconduct and, therefore, did not report allegations of abuse. In practice the ministry responded to allegations of abuse and public complaints by establishing temporary investigation committees, which did not issue public reports of their findings.

Arrest Procedures and Treatment While in Detention.—To apprehend a felony suspect, police must present evidence to a judge who will decide whether to issue an arrest warrant. Police and security forces must transfer a suspect’s case to the public prosecutor’s office within 48 hours, and they generally respected that requirement in practice. Within seven days of arrest, a suspect must appear before a judge in the public prosecutor’s office. Judges may grant bail to a suspect and regularly did so. If the judge decides the suspect is a flight risk or a danger to society, the judge may allow as long as an additional 45 days of detention while the public prosecutor conducts an investigation. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed six months. Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients and then coordinate with officials

at the detention facility for access. The state provided counsel to indigent detainees. While detainees were generally allowed prompt access to visiting family members, many of those arrested on security-related charges between August and December claimed that they were not allowed to see relatives or lawyers for several weeks.

In accordance with the 2006 counterterrorism law, law enforcement agencies must transfer a case to the public prosecutor's office within five days of the suspect's arrest, although the law permits law enforcement agencies to request an additional 10 days before the formal transfer of the case. Prosecutors must commence their formal questioning of a suspect within three days of receipt of the case. Other pretrial detention procedures are governed by those concerning cases that are not related to terrorism.

From August to December, law enforcement agencies arrested approximately 200 men, including minors, and held some of them pursuant to the 2006 counterterrorism law. Local human rights groups and attorneys, as well as international human rights NGOs, alleged that, in many of these cases, authorities used incommunicado detention, restricted lawyers' access to their clients, and prevented family members from visiting detainees. International and local NGOs, as well as attorneys, asserted that security officials abused and tortured some of these detainees (see also sections 1.c. and 1.e.).

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice; however, the king has control of the judicial system. According to the constitution, the king appoints all judges by royal decree. The king also serves as chairperson of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecutor.

The trial of 25 Shia activists charged pursuant to the counterterrorism law—two of whom were based in the United Kingdom and tried in their absence—commenced on October 28. The trial was generally open to detainees' family members, journalists, representatives of local and international NGOs, diplomats, and members of the general public, but, in some cases, a number of journalists and human rights activists were denied access to the court. The defendants' lawyers, together with local NGOs, asserted that security personnel subjected the men to mistreatment and torture while in pretrial detention (see section 1.c.), deprived them of adequate access to legal counsel, and prevented them from meeting with family members for several weeks. They withdrew from the case on December 9 to protest the presiding judge's failure to rule on several requests they had made in the first four sessions of the trial, such as an impartial investigation into torture allegations.

The minister of justice and Islamic affairs and endowments appointed 23 new lawyers, and the case was pending at year's end. Human rights activists and attorneys alleged that the detainees' right to a fair, public trial was undermined by the detainees' limited access to legal counsel and the presiding judge's failure to rule on the defense attorneys' requests.

Two men faced trial in November and December, accused of assaulting an editor of the progovernment Al Watan newspaper on August 25. The two men were arrested less than 48 hours after the attack, shortly after which senior government officials announced that the men had confessed. Most newspapers carried photographs of the two men, referring to them as assassins or terrorists. The trial commenced in November. The men were released on December 12 after the victim of the assault testified in court that the two defendants were not the men who assaulted him. The judge agreed to the prosecutor's request that the court examine other evidence in a hearing scheduled for January 2011.

Trial Procedures.—According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provide for an open trial. There are no jury trials. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours (unless they are charged pursuant to counterterrorism legislation), 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. Defendants have the right to appeal. Women's legal rights varied according to Shia or Sunni interpretations of Islamic law (see section 6).

Political Prisoners and Detainees.—Human rights organizations alleged that some of those arrested on security charges from August to December were targeted because of their political activism. Many of the prominent detainees are leaders of, or affiliated with, political groups.

On August 17, authorities arrested Muhammad Saeed al-Sahlawi, a member of the board of the Bahrain Center for Human Rights (BCHR). Human rights groups

report that Al-Sahlawi, a dentist and human rights activist who supervises the BCHR's Web site, was arrested at his home during a wave of arrests targeting political and human rights activists. Al-Sahlawi was previously arrested in 2006 for distributing publications demanding political reform and in 1997 for contacting oppositional and international organizations abroad.

Also on August 17, according to the BCHR, authorities arrested Sheikh Abdul-Hadi Abdullah Al-Mokhadur and Sheikh Mirza Al-Mahroos, both clerics involved in activities promoting human rights, in Manama.

On September 4, authorities arrested and detained a popular Internet Web site writer and administrator of a Web site, Ali Abdulemam, and charged him with involvement in a "terrorist network," together with 24 other men (section 1.e.). This group of 25 also included a board member of a local human rights organization and political dissenters.

Civil Judicial Procedures and Remedies.—Citizens may bring civil suits before the court seeking cessation of or damages for, some types of human rights violations; however, in many such situations, the law prevents citizens from filing civil suits against security agencies.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice, 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 citizens believed there were extensive police informer networks, but they were unable to provide concrete evidence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press "provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused." The Government limited freedom of speech and press through press laws, libel and slander laws, and national security-related laws. Both censorship and self-censorship took place.

The law forbids any speech 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.

A Shia cleric aligned with a rejectionist group was temporarily banned from giving Friday sermons in October. The Ministry of Justice and Islamic Affairs and Endowments deemed some of the cleric's sermons to "threaten civil peace."

The Government did not own any print media, but the Information Authority—established in July as an associated element of the Ministry of Culture and Information—and other government entities exercised considerable control over domestic, privately owned print media. The Government owned and operated all domestic radio and television stations. In August, September, and October, the Information Authority threatened to shut the Web sites of a number of newspaper and media outlets unless they stopped broadcasting video content. The Information Authority stated that it was illegal for media outlets to broadcast video content until a law regarding online video broadcast is promulgated by the national legislature.

Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were generally received without interference. However, in May the Ministry of Culture and Information temporarily closed the Al Jazeera office in Manama and banned an Al Jazeera news crew from entering the country. The ministry accused Qatar-based Al Jazeera of "flouting the laws regulating the press and publishing" and requested the network to enter into a memorandum of understanding with the Government regarding their activities in the country. At year's end the two sides remained engaged in negotiations, and there was no Al Jazeera representative in the country.

At least one journalist faced violence during the year. On August 25, two men attacked an editor of the progovernment Al Watan newspaper, who was slightly injured. Security forces arrested two men and tried them for the assault, but a judge released them after the victim of the attack testified that the men were not his assailants (see section 1.e.).

Government censorship occurred. Information Authority representatives actively monitored and blocked stories on matters deemed sensitive, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, or the judiciary. Journalists also practiced widespread self-censorship. According to some members of the media, government officials contacted editors di-

rectly and asked them to stop writing about certain subjects or asked them not to publish a press release or a story. In September Bahraini newspapers inaccurately conveyed an official U.S. government statement about the country, allegedly at the behest of government officials. In the lead-up to the elections, observers noted that political debate was largely absent from media outlets. Domestic and international human rights groups alleged that the Government imposed a media restraining order.

The Government enforced at its discretion the press law to restrict freedom of press. The law provides for fines of as much as 10,000 dinars (\$26,500) and prison sentences of at least six months for criticizing Islam or the king or inciting actions that undermine state security, as well as fines of up to 2,000 dinars (\$5,300) for 14 other offenses. These offenses include publicizing statements issued by a foreign state or organization before obtaining the consent of the president of the information authority, publishing any reports that may adversely affect the dinar's value, reporting any offense against the head of a state that maintains diplomatic relations with the country, or publishing offensive remarks toward an accredited representative of a foreign country because of acts connected with the person's position.

The Information Authority reviewed all books and publications prior to issuing printing licenses. The Ministry of Justice and Islamic Affairs reviewed books that discussed religion. The Government banned at least one book by a domestic author, Nader Kadim, entitled *Unbridled Hatreds*. In June the Government banned the Arabic translation of the diaries of Charles Belgrave, a British colonial officer in the country from 1926 to 1957.

In August and September, the Government-run Bahrain News Agency (BNA) and most daily newspapers repeatedly published photographs of suspects and detainees. Members of the quasigovernmental National Human Rights Institution, human rights activists, and detainees' attorneys asserted that such actions, prior to the commencement of judicial proceedings, violated the constitution and penal code.

Internet Freedom.—While the Government generally respected Internet freedom, there were some government restrictions. The Government's Telecommunications Regulatory Authority (TRA) ordered service providers to block Internet users' access to certain sites. In the lead-up to the elections, the Government banned opposition Web sites. In August, September, and October, the Information Authority threatened to shut the Web sites of a number of newspaper and media outlets. Reportedly, the Government did not monitor e-mail use. Internet penetration among citizens exceeded 80 percent.

The Government regularly monitored users' online activities and blocked residents' regular access to numerous Web sites that officials considered to be inciting sectarian tensions, were antigovernment, or were anti-Islamic. The Government also blocked the Web site of at least one human rights NGO during the year, and it blocked the Web sites of the two main opposition political societies, Al-Wifaq National Islamic Society and the National Democratic Action Society (also known as Wa'ad), during campaigning for the October national elections. Public discussion of blocked Web sites was widespread, and many users were able to access blocked sites through alternate servers.

One of the country's most popular oppositionist Internet forums was blocked in August and September, although officials permitted the site to operate freely thereafter. On September 4, authorities arrested the site's administrator, Ali Abdulemam, who is also a popular blogger, and charged him with involvement in a "terror network" together with 24 other citizens (see section 1.d.).

The Government continued to invoke the press code to justify the questioning of some journalists and bloggers. Web site administrators legally 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.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom. Some academics self-censored, avoiding contentious political issues.

The Government banned at least one film, the Indian-produced *Lamhaa*, for its political content.

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 Ministry of the Interior 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. The law prohibits gatherings between 11 p.m. and 7 a.m., unless the chief of public security or his deputy gives written permission. The law states that funeral processions may not be turned into political rallies, and 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. The Government did not allow mosques or ma'tams (Shia religious community centers) or other religious sites to be used for political gatherings without permission.

Antigovernment demonstrations occurred regularly in numerous Shia villages throughout the country. Groups of Shia youth, allegedly instigated by members of the unregistered Haq Movement and the newly organized al-Wafa Islamic Movement, regularly appeared at both registered and unregistered demonstrations where, according to Shia community members and Ministry of Interior officials, they burned tires and trash and threw Molotov cocktails and stones at riot police.

Police often dispersed demonstrations with tear gas. Local human rights NGOs alleged that riot police used tear gas against peaceful demonstrators; however, the Ministry of the Interior countered that it used tear gas in response to attacks by demonstrators. Security forces sometimes fired rubber baton rounds to disperse demonstrations and, on a number of occasions, security forces allegedly ricocheted shotgun pellets from the ground to disperse rioters as a last resort.

Freedom of Association.—The constitution provides for the right to 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, political societies with the Ministry of Justice and Islamic Affairs, and labor unions with the Ministry of Labor. 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 Sharia law or the national interest, as interpreted by the judiciary, nor may the society be based on sectarian, geographic, or class identity.

A civil society group applying for registration must submit its bylaws signed by all founding members and minutes of the founding committee's meetings, containing the names of founding members, their professions, their places of residence, and their signatures. The law grants the Ministry of Social Development the right to reject the registration of any civil society group 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 ministry's decision or refuse the complaint.

Many NGOs and civil society activists asserted that the Ministry of Social Development routinely exploited its oversight role to stymie the activities of NGOs and other civil society organizations. While some local NGOs asserted that bureaucratic incompetence characterized the ministry's dealings with NGOs, numerous other local NGOs stated that officials in the NGOs directorate actively sought to undermine some groups' activities and to impose burdensome bureaucratic procedures on NGO board members and volunteers.

In September the Ministry of Social Development effectively shuttered the prominent local human rights organization Bahrain Human Rights Society, when a ministerial decree ordered the dissolution of the society's board of directors and appointed a ministry employee to be the group's interim head. Soon thereafter the group's ousted chief filed a lawsuit against the ministry; the case was pending at year's end. In October the ministry filed a lawsuit against the ousted board of directors of BHRS but withdrew the suit shortly afterwards. In December the former BHRS leadership issued a human rights report for 2009 in the name of the BHRS; the Government did not interfere in the report's release or dissemination.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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.

On September 19, authorities announced they had revoked the citizenship of a naturalized Shia cleric, Ayatollah Sheikh Hussain al-Najati, his wife, and their three children. The Government restored the family’s citizenship in November.

In October authorities prevented three activists from leaving the country. All three were permitted to travel within one to two weeks.

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 country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol relating to the Status of Refugees, 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 countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Such individuals generally had access to certain social services, education, and employment.

Stateless Persons.—Citizenship is generally derived from the father; however, non-citizen men who marry citizen women are not entitled to citizenship; as a result, children from such marriages are stateless. The Bahrain Women’s Association reported that as of December the organization was aware of 213 women with stateless children.

The law clearly defines naturalization requirements, but the adjudication process for naturalization applications was not transparent. Opposition groups claimed the Government regularly ignored naturalization rules to manipulate demographics for voting and to maintain Sunni domination of police and defense forces over Shia. According to these opposition groups, the Government was more lenient with naturalization requests from foreign residents in the security forces, while Shia and other applicants experienced delays in processing of their cases. The Government occasionally granted citizenship to Sunni residents from neighboring countries.

Stateless persons had access to limited social services, education, and employment. Stateless persons were eligible to receive housing and other government services; however, they were excluded from receiving scholarships.

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

Citizens do not have the right to change their government or their political system; however, the constitution provides for a democratically elected Council of Representatives, the lower house of parliament. The king appoints the prime minister, who then proposes cabinet ministers. Members of the ruling Al-Khalifa family held all strategic cabinet ministry positions and approximately half of ministerial slots. The bicameral national assembly consists of the 40-member Council of Representatives and the 40-member appointed Shura (Consultative) Council. The king may dissolve the Council of Representatives at his discretion; he also has the power to amend the constitution and to propose, ratify, and promulgate laws. Both councils may question government ministers (except the prime minister), and the Council of Representatives may require a minister’s resignation with a two-thirds majority vote of no confidence. The Council of Representatives 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 dismiss the prime minister or to dissolve the Council of Representatives. A no-confidence vote has never arisen.

Elections and Political Participation.—Almost all registered political societies participated in the October elections for the Council of Representatives and municipal councils. Sixty-seven percent of eligible voters participated in the two rounds of voting on October 23 and 30. The opposition Shia Islamist political society, Al-Wifaq, won all 18 races it contested for the Council of Representatives. Two progovernment,

Sunni Islamist parties won a combined five seats (down from 15), and independents won 17 seats. Most opposition groups and other activists alleged that the Government gerrymandered electoral districts in 2002 to provide for a progovernment, mostly Sunni majority in the Council of Representatives.

Political tensions flared in the weeks preceding the October 23 balloting, largely given the Government's arrests of more than 200 Shia men it accused of inciting or involvement in, the street violence. Those arrested included some, but not all, of the leaders of two fringe, rejectionist groups, Haq and Wafa', which had called for a boycott of the elections. The Government charged 23 of those arrested with involvement in a "terror network" pursuant to the 2006 counterterrorism law (see section 1.e.). The electoral process was also marred by the Government's banning of the two main opposition parties' Web sites and newsletters. The Government did not allow international observers to monitor the elections.

The Government did not allow the formation of political parties; however, more than a dozen political societies, which operated somewhat like political parties, chose candidates for parliamentary and municipal elections, campaigned for political office, developed political platforms, held internal elections, and hosted political gatherings. Political societies were highly critical of provisions in the law requiring them to notify the Government before contacting political groups abroad. The law prohibits civil society groups from engaging in political matters.

The newly elected Council of Representatives includes one woman, who previously won election as an independent in 2006. Only one of the major political societies fielded female candidates for the Council of Representatives. An independent female candidate won a seat on a municipal council. The newly appointed Shura Council contains 11 women. Two women served as cabinet ministers, five 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, although Shia comprised the majority of the citizen population. Government and societal discrimination against the Shia population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The defense and internal security forces were also predominantly Sunni, and few Shia members attained high-ranking positions. There were 18 representatives of the mainstream Shia political society, Al-Wifaq, in the elected Council of Representatives. The appointed Shura Council included 19 Shia members, including the speaker, as well as one Jewish member and one Christian member. Five of the 25 cabinet ministers were Shia, including one of four deputy prime ministers. The Jafaari Sharia Court consisted of 13 Shia scholars.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and some officials reportedly engaged in corrupt practices with impunity. Significant areas of government activity, including the security services, continued to lack transparency. The press reported that, in a number of cases, authorities jailed or fined law enforcement officials for misconduct, most often for accepting bribes. An anticorruption unit was established in the Ministry of Interior; however, the Government did not announce any related investigations. The law does not require government officials to provide financial disclosures, nor does it provide citizens access to government-held information.

In response to a bipartisan parliamentary inquiry into alleged illegal or improper sales of public property worth billions of dollars, the Government formed an inter-ministerial committee to investigate the matter.

The National Audit Bureau's annual report resulted in the formation of two parliamentary investigation committees, one of which studied problems affecting Gulf Air, the other of which investigated problems at Mumtalakt, the sovereign wealth fund. No prosecutions arose from the findings of these committees.

In June 2009 the high criminal court found the former chief executive officer of the quasigovernmental housing bank for trade and finance guilty of embezzling 1.5 million dinars (four million dollars) and sentenced him to 10 years' imprisonment. The ruling was the first guilty verdict in a major corruption case in many years. An appeal was pending at year's end.

In June 2009 authorities charged the executive director of the Bahrain Institute for Political Development (BIPD) and two other BIPD officials with fraud and embezzlement. The case remained pending at year's end.

On November 9, a court issued a verdict in the corruption case against two former managers of Alba, an aluminum firm majority-owned by the Government's sovereign wealth fund, sentencing the men to seven years' imprisonment and imposing large fines. The two former managers appealed the verdict; a hearing was scheduled for

2004

January 2011. Activists alleged that the men were scapegoats for more senior Alba and government officials who engaged in illegal and corrupt activity.

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

Restrictions on freedom of association and expression and increased government scrutiny and harassment during the year hindered investigation and public criticism of the Government's human rights policies; however, local and international NGOs continued to publish reports on human rights.

In September the Government effectively shuttered BHRS, a prominent human rights NGO (see section 2.b.). The Government also exerted considerable pressure on other NGOs to stymie their activities.

Several women's rights NGOs, notably the Bahrain Women's Association (BWA), the Bahrain Women's Union, and the Young Ladies Society, advocated for enhanced political, economic, and social rights for women and girls. In July police officers questioned two BWA volunteers after they were interviewed by Al Jazeera.

The Migrant Workers Protection Society (MWPS) provided protection services for at-risk migrant workers, including operating a small shelter for runaway female domestic workers, and advocated for domestic workers' rights, which are not protected by current labor laws. According to local and international NGOs, a senior official in the Ministry of Social Development threatened to take administrative action against MWPS after a domestic employee working for the official sought refuge in the society's shelter.

The Bahrain Center for Human Rights (BCHR), which the Government officially dissolved in 2004, continued to issue reports and had strong ties to international human rights NGOs. The BCHR occasionally coordinated its activities with leaders of political rejectionist groups. On August 16, the Government arrested one of the BCHR's board members, Mohamed Saeed, a dentist, and charged him with involvement in a "terror network" (see section 1.e.). The case was pending at year's end. On September 4, the Government-run Bahrain News Agency, together with progovernment newspapers, temporarily labeled BCHR president Nabeel Rajab a "terrorist," and on September 27, authorities prevented Rajab from leaving the country. He was permitted to travel two weeks later.

On April 5, a court fined the head of the Bahrain Youth Human Rights Society (BYHRS) 500 dinars (\$1,325) for operating an unregistered NGO. According to the BYHRS, the Ministry of Social Development did not respond to the group's request to register as an NGO.

The Government-aligned Bahrain Human Rights Watch Society (BHRWS), headed by a former Shura Council member, undertook a number of advocacy campaigns during the year, including highlighting abuses against foreign workers and organizing an elections monitoring initiative.

The Government generally welcomed visits by representatives of international human rights organizations. Representatives of HRW and Amnesty International had multiple meetings with government ministers and other senior officials. Other international NGOs, such as Front Line, met with senior government officials. However, journalists with close ties to senior government officials repeatedly attacked representatives of international human rights organizations. On at least two occasions in September and October, a progovernment newspaper published a series of articles attacking HRW representatives.

In April and September, the Government barred two representatives of a foreign NGO working on institution-building and civil society strengthening from entering the country.

The UN Development Program (UNDP) maintained an office in the country, and it advised the Government on developing mechanisms to encourage respect for human rights. The Government welcomed visits by both the UN high commissioner for human rights and the UNDP administrator.

On April 25, the king appointed the 23 members of the National Human Rights Institution, a government-backed commission created by royal order in December 2009. Many of the members are government employees and former or current members of the Shura Council. The institution's chairman, Salman Kamalaldine, a former BHRS leader, resigned in September to protest the institution's failure to address allegations of mistreatment of detainees arrested during the August and September government reaction to demonstrations. National Human Rights Institution members staunchly defended the Government's human rights record in public fora, both domestically and internationally.

Section 6. 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. These rights were protected unevenly, depending on an individual's social status, sect, or gender. The law deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

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 were numerous reports of employers raping female domestic workers, but most victims did not seek legal redress since local courts require witnesses to prove guilt for such assaults.

No government policies or laws explicitly addressed domestic violence. Human rights organizations alleged that 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. It also operated an abuse hotline that recorded 206 cases from June to November.

The law prohibits sexual harassment, but it remained a widespread problem for women, especially foreigners employed as domestic workers and in other low-level service jobs. The press reported a number of cases of men arrested for sexually harassing women. Article 350 stipulates penalties of imprisonment of up to one year or a fine of 100 dinars (\$265) for committing an "act of indecency with a female."

Reproductive health services, including birth control and maternity care, were available without charge to all women. According to the Ministry of Health, maternal mortality was 9.5 per 1,000 births. The UN Population Fund estimated that the maternal mortality ratio in 2008 was 19 per 100,000 live births. Health centers required women to obtain spousal consent in order to undergo sterilization; however, this consent requirement did not apply to provisions of other family planning services. There was no information as to whether women receive equal diagnosis and treatment for sexually transmitted infections, including HIV.

Women faced discrimination under the law. A woman cannot transmit nationality to her spouse or children. Women have the right to initiate divorce; however, religious courts may refuse the request. In divorce cases, the courts routinely granted mothers custody of daughters younger than age nine and sons younger than 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.

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 Sharia and 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. There were numerous reports of employers mistreating noncitizen women working as domestic servants. The influence of religious traditionalists sometimes hampered women's rights. The Labor Market Regulatory Authority stated that women constituted 20.5 percent of the labor force, although these statistics excluded the approximately 75,000 domestic workers, a majority of whom are women.

Children.—Citizenship is derived from one's father. Women cannot transmit their nationality to their children; therefore, children of some citizen mothers and noncitizen fathers are born stateless (see section 2.d., Stateless Persons).

Government-run primary schools are segregated by gender, although children are subject to the same curricula and textbooks. Schooling is compulsory for children only through the age of 14, but it is provided free of charge to citizens and legal residents through grade 12.

NGOs reported an increase in the number of child abuse cases in recent years but were unsure whether abuse is on the rise or whether there is greater willingness to report it. Sharia courts, not civil courts, address crimes involving child abuse, including violence against children. NGOs expressed concern over the lack of consistent, written guidelines for prosecuting and punishing offenders and over the leniency of penalties involving child abuse cases. The Be Free Center, an associate

of the Bahrain Women's Association that focuses on child abuse awareness and prevention, dealt with 2,371 cases of child abuse victims during the year.

From August to December, there were numerous reports that security forces detained boys under the age of 18, including some arrested in their homes. There were reports that boys were prosecuted and convicted for security-related crimes, including two 12-year-old cousins who, after four months of pretrial detention, each received six-month prison sentences, which the Government said would be served in a juvenile detention facility run by the Ministry of Social Development.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts in the country.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law protects the rights of persons with disabilities, and a variety of governmental, quasigovernmental, and religious institutions are mandated to support and protect persons with disabilities. In June the Ministry of Social Development announced a partnership with the UN Development Program (UNDP) to develop and implement a National Strategy for 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 official reports of discrimination against persons with disabilities in employment, education, or access to health care, but according to anecdotal evidence, persons with disabilities routinely suffered lack of access to education and employment. The one government school for children with hearing disabilities did not operate past the 10th grade. Certain public schools had specialized education programs for children with learning disabilities, physical handicaps, speech impediments, and Down syndrome, but the Government did not fund private programs for children with disabilities who could not find appropriate programs in public schools.

The law requires the Government to provide vocational training for persons with disabilities who wish to work. The law also 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.

There were no restrictions on participation in political and electoral processes for persons with disabilities.

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. There was a lack of transparency in the naturalization process, and there were numerous reports that the citizenship law was not applied uniformly. For example, there were allegations that the Government allowed foreign Sunni employees in the security services that had lived in the country for less than 15 years to apply for citizenship. There were also reports of Arab Shia who had resided in the country for more than 15 years and non-Arab foreign residents who had resided more than 25 years who had not been granted citizenship.

Although the Government asserted that the labor code for the private sector applies to all workers, the International Labor Organization and international NGOs have noted that, in practice, nonnational migrant workers faced discrimination in the workplace.

In March 2009 a Sunni Pakistani civilian, Mohammed Riyadh, died of burns he suffered after rioters firebombed his vehicle. Due to his ethnicity, attackers assumed the victim was an undercover police officer monitoring activity in the village. On July 5, seven Shia men, who had been charged under the counterterrorism law, were sentenced to life imprisonment for their role in the death.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not criminalize homosexual relationships between consenting adults at least 21 years of age; however, lesbian, gay, bisexual, and transgender activities were not socially accepted, and discrimination was common.

Other Societal Violence or Discrimination.—The media reported few cases of HIV/AIDS. There were no reports of societal violence or discrimination based on persons

with HIV/AIDS. The Government mandated screening of newly arrived migrant workers for infectious diseases, including HIV/AIDS; migrant workers found to be HIV-positive faced deportation.

Section 7. Worker Rights

a. The Right of Association.—The law grants workers, including noncitizens, a limited right to form and join unions as long as the union is for lawful objectives and does not disturb the fundamentals of the religion and public order is not disturbed. Members of the military are prohibited from joining unions. In the private sector, workers may form unions without prior authorization. Public-sector workers may join private sector trade unions and professional societies, but trade unions are prohibited in the public sector. Foreign workers, excluding domestic workers, are allowed to join unions and many do so, but they are not allowed to engage in collective bargaining. Only one trade union is permitted in each workplace. The Shura Council vetoed a law that would allow more than one trade union per company. All unions must join the General Federation of Bahrain Trade Unions (GFBTU). The law allows for the establishment of additional federations; however, at year's end, there were none. According to the GFBTU, approximately 18 percent of the labor force was unionized with employees from the six major state-owned firms making up 52 percent of total trade union membership.

The law prohibits unions from engaging in political activities, although union officials participated in public forums regarding workers' rights. The GFBTU did not report any government interference in its activities.

The law states that the right to strike is a legitimate means for workers to defend their rights and interests; however, this right was restricted and is not available for all workers. The law prohibits strikes in certain sectors the Government deems essential. The list of essential services prohibited from joining unions exceeds international standards. They include the oil, gas, education, telecommunication, transportation, and health sectors, as well as pharmacies and bakeries. For workers permitted to strike, the law requires a lengthy process of conciliation followed by mandatory arbitration. Workers must approve a strike with a two-thirds majority in a secret ballot and provide two weeks' notification to the Ministry of Labor before conducting a strike. There were no strikes during the year. Although government sources held that the arbitration provision did not preempt the right to strike, the law does not specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, foreign workers, who make up approximately 60 percent of the workforce, are not permitted to engage in collective bargaining. Employers and the Government are required to treat unions as independent judicial entities.

In the private sector, the law prohibits antiunion discrimination and employer interference in union functions. The Government generally protected this right.

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 among domestic workers and those working in the informal sector, many of whom are not fully protected by the legal code. There were no reports of forced or compulsory child labor; however, there were reports of children trafficked into the country for domestic service and sexual exploitation.

Foreign workers, mostly from South and Southeast Asia, who made up approximately 60 percent of the workforce (76 percent of the private-sector workforce), were particularly vulnerable to forced labor and in some cases were subject to withholding of passports, restrictions on movement, contract substitution, nonpayment of wages, threats, physical and sexual abuse. Some foreign workers 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 foreign workers for months or years and refused to grant them permission to leave the country. The Government and the courts generally worked to rectify abuses brought to their attention. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to authorities.

The Government continued to conduct extensive awareness campaigns, yet many foreign workers were unaware of their rights under the law. The Government published pamphlets on foreign resident workers' rights in several languages, provided

manuals on these rights to local diplomatic missions, and operated a telephone hotline for victims.

In August 2009 new rules went into effect to allow migrant foreign workers (excluding domestic workers) to change jobs without employers' permission, subject to certain restrictions. During the year the Government reported that more than 7,000 workers switched employers under the new rules.

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, had to give their identity documents to employers, had little time off, were malnourished, and were subject to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of attempted suicide cases in the Government's psychiatric hospitals were foreign domestic workers.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor and establishes protections for children from workplace exploitation, and the Government effectively enforced these laws. Some children were believed to work in family-run businesses, but the practice was not widespread. There were reports of children trafficked into the country for domestic service and sexual exploitation. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The minimum age for employment is 16 years old. The Ministry of Labor 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 the Ministry of Health deems hazardous or unhealthy, including construction, mining, and oil refining. 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.

According to NGOs, government labor inspectors monitored and enforced child labor laws effectively in the industrial sector. During the year the Ministry of Labor employed 43 labor inspectors.

e. Acceptable Conditions of Work.—There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as their home countries' guidelines suggested and were at times subject to nonpayment of wages. The Philippines imposed a minimum wage of 80 dinars (\$212) for domestic workers and required a contract signed by the two parties and approved by the Philippines Embassy. However, in practice many such employees were paid less than 80 dinars (\$212).

The Ministry of Labor enforced the labor law and mandated acceptable conditions of work for all adult workers except domestic workers, including a maximum workweek of 48 hours, with special permission required by the ministry for work in excess of 60 hours per week. Muslims may not legally be required to work more than six hours per day and 36 hours per week during Ramadan. 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. Work in excess of 48 hours per week 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. In practice many foreign domestic workers worked more than 60 hours per week and did not receive overtime. The labor inspectorate conducted periodic comprehensive inspections of private sector enterprises, including verification of employee hours and wages.

According to NGOs, workplace safety standards were adequate, but inspection and compliance were substandard. The Ministry of Labor set occupational safety and health standards and sporadically enforced them with a team of 11 engineers from multiple specialties. Inspectors had the authority to levy fines and close work-sites if employers did not improve conditions by specified deadlines. There were reports of employers being fined for violations. During the year the media reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment. Exact figures were not available. Particularly hazardous sectors included construction and automotive repair.

During the year inspectors visited labor camps to verify whether workers' accommodations met required safety and hygiene standards. In 2009 inspectors visited 1,419 labor camps, of which 126 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and general disrepair. Inspectors cited poor hygiene in warnings issued to 148 camps, as well as part of their rationale for the closure of 31 camps. The inspectors were authorized to inspect only premises that had a commercial registration; they could not inspect pri-

2009

vate homes where most domestic workers lived 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 police; most victims were too intimidated to sue their employers, although they had the right to do so. If a victim brings suit against her employer, she cannot leave the country for the duration of the case. The Migrant Workers Protection Society continued to support victims who took their cases to court, but compensation to victims was reportedly low.

When a worker lodges a complaint, the Ministry of Labor opens an investigation and often takes remedial action. The ministry reportedly received 5,132 complaints during the year, including complaints from domestic workers. On average there were 11 complaints from domestic workers per month. Ministry officials stated that they were able to resolve most of these cases through mediation. The public prosecutor took the remaining cases for investigation. Complaints that cannot be settled through arbitration must be referred to the court within 15 days. However, the vast majority of cases involving abused domestic workers did not reach the Ministry of Labor or the Public Prosecution.

A ministerial decree prohibits outdoor work between the hours of noon and 4 p.m. during July and August. The Ministry of Labor reported it fined 36 companies each 50 to 300 dinars (\$132 to \$792) per worker for allegedly violating the ban in 2009, an increase from 29 cases in 2008.

EGYPT

The National Democratic Party (NDP) has governed the Arab Republic of Egypt, which has a population of approximately 79 million, since the party's establishment in 1978. Following parliamentary elections in June and November that were marked by significant irregularities and preelection restrictions, the NDP continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. The Government 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, charges of fraud, and government efforts to prevent opposition candidates from participating effectively. Security forces reported to civilian authorities.

The Government limited citizens' right to change their government and extended 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 exercised control over and pressured the judiciary. The Government partially restricted freedom of expression. The Government's respect for freedoms of assembly, association, and religion was poor, and nongovernmental organizations (NGOs) continued to face restrictions. The Government killed an increased number of African migrants trying to cross the Egyptian-Israeli border into Israel.

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.

On June 7, according to eyewitnesses, two undercover police investigators beat to death 27-year-old businessman Khaled Sayeed after approaching him in an Alexandria internet cafe. A government autopsy concluded on June 23 that Sayeed died from choking on a bag of cannabis. The autopsy noted bodily injuries that could have resulted from beating but asserted that these injuries did not cause the death. On July 3, the Government charged the two investigators with cruel treatment, torture, and wrongful arrest. A trial began July 27 and continued at year's end.

On November 6, 19-year-old Ahmed Sha'aban disappeared in Alexandria, and his body was discovered in a city canal on November 10. According to NGOs, in December the public prosecutor suspended its investigation of the family's complaint ac-

cluding police officers of murder. One family member who viewed Sha'aban's body told an NGO it showed signs of torture.

On November 24, during violent clashes with a large group of Coptic Christian rioters in the Giza neighborhood of Omraniya, security forces killed two persons and injured approximately 40, and rioters injured approximately 20 police. According to reports the violence began when police moved to halt construction of a church and community center the Coptic Christians believed they had permission to build. Security forces arrested 158 persons for participating in the riots. By year's end the attorney general had ordered the release of all but 23 of the detainees.

On December 7, according to NGOs, witnesses stated that Mustafa Attia El-Sayeed fell during a police arrest over a debt dispute. Witnesses believed the fall aggravated an existing heart condition, causing El-Sayeed to die of a heart attack. A government autopsy following a complaint filed by the family ruled El-Sayeed died from natural causes.

At year's end the Government had not publicly taken action to investigate the 2008 killing by security forces of four individuals during violent clashes between police and protesters in Mahalla el Kubra or the 2008 killing by Central Security Forces (CSF) of three Bedouin tribesmen during demonstrations that followed the CSF killing of a suspected drug smuggler.

On January 6, in the town of Naga Hammadi, men with automatic weapons shot Coptic churchgoers after Coptic Orthodox Christmas Mass. Seven persons were killed (six Coptic Christians and one off-duty Muslim police officer) and 11 others wounded (nine Coptic Christians and two Muslims). Authorities arrested three suspects; at the end of the year, they remained in detention and were being tried in state security court on charges of premeditated murder.

b. Disappearance.—According to the most recent UN Human Rights Council Report of the Working Group on Enforced or Involuntary Disappearances, there were 36 outstanding disappearance cases.

On August 8, two human rights NGOs filed a request that the Government investigate the whereabouts of Mohammed Sayed Abdo Turk; his father believed him to be in the custody of the Ministry of Interior's State Security Investigative Services (SSIS). In July 2009 Turk reportedly disappeared in the Damanhour area.

In 2008, according to the quasi-governmental National Council for Human Rights (NCHR), Ahmed Ismail Al Sheikh disappeared from a prison in Damanhour in the Delta. The Government and the prison gave the family contradictory accounts of his whereabouts.

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 often tortured and abused prisoners and detainees, sometimes in cases of detentions under the Emergency Law, which authorizes incommunicado detention indefinitely, subject to a judge's ruling. The Government rarely held security officials accountable, and officials often operated with impunity.

Domestic and international human rights groups reported that the SSIS, police, and other government entities continued to employ torture to extract information or force confessions. In numerous trials defendants alleged that police tortured them during questioning. Police and the SSIS reportedly employed 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; sleep deprivation; and sexual abuse, including sodomy. There was evidence that security officials sexually assaulted some victims 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.

The Government investigated torture complaints in some criminal cases and punished some offending police officers. Courts sentenced officers to terms of one to six years in prison and ordered officers to pay compensation to victims in some cases. According to the most recent government figures, in 2009 the public prosecutor referred nine cases of cruel treatment to the criminal courts and one case to a disciplinary tribunal; it also requested administrative sanctions in 10 cases. Of these cases, according to the Government, courts tried and convicted one police officer for torture, acquitted another officer, and had not ruled in two other cases in the first six months of the year. Also in the first six months of 2009, the time period for which

the Government provided information, 16 police officers faced disciplinary action for committing abuse or torture.

During the year human rights groups and the media documented a case of abuse of a blogger, and cases of harassment of journalists and bloggers who reported on controversial topics (see section 2.a.).

The Government did not investigate a February 2009 cell phone video depicting police officers sodomizing a victim at a Cairo police station or an August 2009 cell phone video depicting police officers torturing an unidentified man suspended by his arms in a Port Said police station.

On March 7 and 8, according to an NGO source, a security officer beat Taha Abdel Tawab, a supporter of former International Atomic Energy Association chairman and opposition political activist Mohammed El-Baradei, in a police station in the city of Fayoum. An officer also allegedly withheld food and deprived Abdel Tawab of medication, causing him to be hospitalized. The public prosecutor ordered an investigation of the officer and questioned him on March 12. By year's end authorities had not taken further action on the case.

On April 13, according to witnesses, police beat, stripped, and arrested activist Baha Saber during a demonstration in Cairo after he pushed police officers to move outside a cordoned area. According to NGO sources, police subsequently beat and sexually abused Saber in custody. On April 14, the public prosecutor charged Saber with resisting arrest and impeding traffic and released him the following day. The charges remained pending at year's end.

On September 18, according to an NGO source, two police corporals arrested Mostafa Galal El-Din Abdel Hamid and subsequently shackled and beat him at Dar El-Salaam police station in Cairo. On September 28, the day of Abdel Hamid's release, his family filed a complaint with the public prosecutor, and at year's end the case was under investigation.

In July 2009, according to NGO sources, security forces used electric shocks and sleep deprivation to torture members of an alleged terrorist cell arrested for allegedly smuggling weapons to Gaza, among other charges. At year's end the suspects were on trial in a state security court.

In March 2009 a court sentenced police corporal Ahmed Antar Ibrahim to six years' imprisonment for his 2008 assault on anti-torture activists and doctors Magda Adly and Mona Hamed. Ibrahim had confessed that police intelligence officer Ahmad Maklad ordered him to attack Adly, but authorities reportedly did not investigate Maklad's role. According to NGO sources, Ibrahim's retrial on procedural grounds began in December 2009, and on April 4, Damanhour Criminal Court sentenced Ibrahim to two years in prison for assault. According to NGO sources, Ibrahim remained in prison at year's end.

In November 2009 the Alexandria Criminal Court convicted police officer Akram Soliman of assaulting a mentally disabled man, Ragai Sultan, and sentenced Soliman to five years in prison. On July 4, an appeals court upheld the verdict. According to NGO sources, Soliman remained in prison at year's end.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers remained poor, although human rights lawyers and NCHR reported improvements. According to observers, prison cells were overcrowded, with a lack of medical care, proper hygiene, food, clean water, and proper ventilation. Tuberculosis was widespread; abuse was common, especially of juveniles in adult facilities; and guards brutalized prisoners. Provisions for temperature control, lighting, sanitation, and basic and emergency medical care varied but were not always adequate.

The Government did not announce any investigations into the 2008 alleged beating of detainees from the El-Mahallah demonstrations; the 2008 alleged beating of a foreign detainee; or the killing of one prisoner and injury of 25 others during a 2008 prison riot in Assiut, following the alleged torture of a prisoner.

Although separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles. Pretrial detainees were sometimes held with convicted prisoners. The penal code provides for reasonable access to visitors; however, according to NGO observers, the Government sometimes prevented visitors' access to detainees held under the Emergency Law. Prisoners were permitted religious observance. Authorities permitted prisoners to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions; however, NGO observers claimed that prisoners were sometimes reluctant to do so out of fear of retribution from prison officials. Authorities rarely investigated credible allegations of inhumane conditions.

The Government did not permit independent human rights observers to visit prisons or other places of detention 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. SSIS detention centers were excluded from all inspections. The NCHR visited four prisons during the year, their first visits since 2005. The NCHR reported improved health care, food, and recreation. The NCHR considered itself an ombudsman serving on behalf of prisoners, but there was no official government ombudsman.

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 continued large-scale detentions of hundreds of individuals without charge under the Emergency Law, which was extended in May for two years and limited to terrorism and drug trafficking cases.

Throughout the year the Ministry of Interior awarded compensation to members of Islamic groups who were detained without trial in the 1990s.

Role of the Police and Security Apparatus.—The Ministry of Interior controls local police forces, which operate in large cities and governorates; the SSIS, which conducts investigations; and the 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 domestic and foreign officials. 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 combating crime and terrorism and maintaining public order. There was no systematic prosecution of security personnel who committed human rights abuses, and impunity was a problem. The Government failed to bring cases against police and security force personnel following credible allegations of torture.

The UN Development Program, with government cooperation, provided human rights training for 255 judicial and law enforcement officials during the year.

Arrest Procedures and Treatment While in 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 as long as 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 sometimes were not informed promptly of charges against them. Authorities may hold a suspect for a maximum of six months while they investigate the case. There was a functioning system of bail for persons detained under the penal code. In criminal cases defendants have the right to counsel promptly after arrest and access to family members at the discretion of the court. In criminal cases the court is obligated to provide a lawyer to defendants who cannot afford one. However, in practice defendants often faced obstacles and were unable to secure regular access to lawyers or family visits.

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 terrorism or engaging in prohibited political activity. The Human Rights Association for the Assistance of Prisoners (HRAAP) estimated that the Government continued to hold between 3,000 and 4,000 persons in administrative detention without charge or trial under the Emergency Law; most of those detained were members of Islamic extremist groups arrested in the 1990s.

In August the Government detained between 50 and 100 “April 6” activists involved in protests against power shortages and efforts to collect signatures for a petition calling for political reforms in the name of Mohammed El-Baradei. The Government released all the activists within 48 hours.

In August the Government detained Emad El-Kebir for allegedly participating in a street brawl and charged him with offenses falling under the penal code’s terrorism statutes. A state security court acquitted El-Kebir on December 19, and he was released from prison on December 21. El-Kebir was the victim in a high-profile police abuse case for which a court sentenced two police officers to prison sentences in 2007.

On September 14, the Government detained an activist in the opposition Democratic Front Party and released him within 48 hours. According to observers, security forces questioned him about his political activities, including support for Mohammed El-Baradei.

Authorities released approximately 240 Bedouin during the year, while approximately 60 remained in detention.

During the year there were cases of pretrial detention exceeding legal limits. Failure to implement judicial rulings regarding the release of detainees remained a problem.

Amnesty.—On July 23, President Mubarak ordered the release of 3,525 prisoners on the country's national day.

On October 6, President Mubarak issued a decree ordering the partial pardon and permanent release of 409 prisoners on the occasion of the 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 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 nonpolitical cases in civilian courts. The Government ignored court orders to halt parliamentary elections pending reinstatement of some candidates banned by the High Electoral Commission. State security courts constituted under the Emergency Law share jurisdiction with military courts over crimes affecting national security. State security courts were not independent, as the Emergency Law stipulates that all state security court verdicts are subject to the president's review and allows the president to modify sentences handed down by the judges. The Emergency Law also allows the president to replace two of an emergency court's three civilian judges with military judges. The president may refer criminal cases to state security or military courts, where the accused does not receive most of the constitutional protections of the civilian judicial system. The Government continued to use the Emergency Law to try nonsecurity cases in these courts and to restrict many other basic rights.

The president can appoint civilian judges to emergency courts upon the recommendation of the minister of justice or military judges upon the recommendation of the minister of defense. Military courts were established under the code of military justice law 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 or deliberate destruction of property to harm national security. A 2007 amendment to the law includes an appeal mechanism for military court verdicts, which lawyers were sometimes able to use to bring cases on behalf of their clients. 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 large numbers of defendants. In June parliament amended the code of military justice to grant military courts jurisdiction over workers in military factories. In August a military court ruled on a case involving workers in a military production factory (see section 7.e.).

According to information from the Muslim Brotherhood (MB) website in October, MB second deputy chairman Khairat El Shater and one other MB member remained in a military prison. In 2008 a closed military tribunal had sentenced El Shater and his other civilian colleagues, seven in absentia, to prison terms ranging from three to 10 years on charges of money laundering. In November 2009 the Supreme Military Appeals Court rejected their motion contesting their transfer to a military tribunal.

Trial Procedures.—Defendants enjoy a presumption of innocence. There are no juries. Trials are usually public; however, observers needed government permission to attend court sessions. Human rights activists were generally able to attend trials in civilian courts but were excluded from most military trials. Defendants have the right to counsel in civilian courts, and the Government provides a lawyer at the state's expense if the defendant does not have counsel; 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. Defendants in military courts also have the right to counsel, but lawyers complained they did not have full access to their clients. The law allows defendants to be present, question witnesses against them, and present witnesses and evidence on their own behalf. The law provides defendants and their attorneys the right to access government-held evidence against them.

In civilian courts defendants have the right of appeal up to the Court of Cassation. Sentences by military courts and death sentences in civilian criminal courts are subject to confirmation by the president. The president may alter or annul a decision of an emergency court, including a decision to release a defendant.

Political Prisoners and Detainees.—HRAAP estimated that the Government continued to hold between 3,000 and 4,000 persons in administrative detention without charge or trial under the Emergency Law; most of those detained were members of Islamic extremist groups arrested in the 1990s (see section 1.d.). 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.

According to the Muslim Brotherhood's website, the Government arrested and detained 6,001 MB members during the year, mostly without formal charge or trial. According to public MB statements, the Government released most of these detainees soon after their detentions. According to public statements by the MB, approximately 702 of their leaders and members remained in prison at year's end. According to press reports on November 25, MB lawyer Abdel Monem Abdel Maqsooud announced that authorities arrested 1,400 MB members in advance of the November 28 parliamentary elections, including 1,206 following the MB's October announcement that it would participate in parliamentary elections. According to the same press report, authorities released 700 MB activists following the elections; those remaining in detention had been charged for violations of the prohibition of the use of religion in politics. Maqsooud also claimed that a court convicted and sentenced 18 MB activists for using the political slogan "Islam is the solution" and that appeal processes in these cases continued at year's end.

On February 8, the Government detained 15 MB members, including three members of the group's senior administrative body the Guidance Bureau (GB), for belonging to a banned organization, damaging "social peace," and forming an underground organization that it claimed planned militant activity. On April 4, 13 members of the group were released. On April 7, the Government released two of the GB members, Mahmoud Ezzat and Essam El Eryan. On May 13, the Government released the last detainee, Osama Nasr.

On March 27, the Government arrested "April 6" activist Tareq Khadr after he urged students in Alexandria to sign a petition calling for political reforms in the name of Mohammed El-Baradei. The Government detained Khadr without charge under the Emergency Law before releasing him on June 11.

Approximately 20 members of the prohibited 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 prohibited organization. Several of the defendants, including three British citizens, alleged they were 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.

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 such penalties. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property.

On March 6, according to Human Rights Watch (HRW), security officers entered and searched the home of Maha el-Khadrawy, a member of the "April 6" opposition group.

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 prac-

tice through harassment, censorship, and arrests and detentions, sometimes under the Emergency Law and in other instances under provisions of the penal code that prohibit incitement or discrimination.

Many citizens and journalists openly expressed their views on a wide range of political and social issues, including presidential succession and President Mubarak's health. There was vigorous criticism of senior government officials and policies, including direct criticism of the president, in the independent press, on satellite television, and on blogs. During the year a number of opposition political activists, journalists, and NGOs continued to advocate for political reform and openly criticized the Government. Government actions—including arrests, wide-scale detentions of MB members, harassment of independent journalists and activists, 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 the 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. However, in some cases writers in progovernment newspapers criticized the Government's handling of the People's Assembly elections. The Government also controlled the licensing, printing, and distribution of newspapers, including independent papers and those of opposition political parties that frequently criticized the Government and gave greater prominence to human rights abuses than state-run newspapers.

In September, according to observers, a Cairo studio cancelled the contract of the Saudi-owned channel Orbit for late rent payment, resulting in the cancellation of the talk show *Cairo Today* hosted by prominent host Amr Adeeb, which was generally critical of the Government. Observers asserted that the cancellations were politically motivated.

On October 4, according to multiple observers, Al-Sayeed Al-Bedawy, owner of the independent newspaper *Al-Dostour* and president of the opposition *Wafd* party, forced editor in chief and prominent government critic Ibrahim Eissa to leave the paper. Observers asserted Al-Bedawy forced Eissa to leave the paper for political reasons. Eissa continued to write critically in the separate, online newspaper *Al-Dostour Al-Asli*. In mid-September the private satellite television station ONTV cancelled Eissa's talk show.

The Ministry of Information owned and operated all ground-based domestic television and radio stations.

The Government detained journalists and one writer and harassed others during the year.

On April 3, the Government briefly detained publisher and blogger Ahmed Mahanna in Cairo and confiscated copies of a book he had published entitled, *El-Baradei: Dream of a Peaceful Revolution*.

On July 18, independent newspaper *Sawt Al-Uma*'s editor in chief Wael Ibrashy and journalist Samar El-Dowe went on trial in a suit filed by Minister of Finance Youssef Boutros-Ghali for allegedly urging citizens "not to follow the law" in two January articles criticizing the country's new real estate tax. The trial continued at year's end.

On November 19 in Alexandria, the Government arrested Youssef Shaban, a journalist from the independent e-newspaper *Al-Badeel Al-Gadid*, on drug charges and detained him for nine days before releasing him on November 28. NGO observers asserted the arrest was retribution for the journalist's coverage of a demonstration against housing demolitions in Alexandria.

In March 2009 a court in Damanhour sentenced *Al Fagr* journalist Kamal Murad to six months' imprisonment and fined him 100 pounds (\$17) for allegedly insulting a police officer in Rahmanyah in 2008. In July 2009 a Damanhour appeals court overturned the prison sentence but increased the fine to 200 pounds (\$34). Authorities did not investigate the alleged police assault on Murad.

During the year opposition party and other independent newspapers published articles critical of the president and foreign heads of state generally without being charged or harassed. Government officials and private individuals filed politically and nonpolitically motivated suits against journalists 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 a newspaper, and journalists faced fines of as much as 20,000 pounds (\$3,426) and sentences as long as five years in prison for criticizing foreign leaders or the president. According to the *Moltaqa Forum for Development*

and Human Rights Dialogue, there were 68 lawsuits against 24 journalists during the year. At year's end, according to a domestic NGO, approximately 70 defamation suits, some of which were political in nature, were pending against the leading independent newspaper, Al-Masry Al-Youm.

On November 20, the defamation trial of journalist and activist Hamdy Qandil began in Giza Criminal Court. Foreign Minister Aboul Gheit sued Qandil for alleged defamation in a May article in the independent daily newspaper Al-Sherouq that criticized the minister's performance. At year's end the trial continued.

On February 2, courts in Giza sentenced independent newspaper editor Yasser Barakat to two six-month prison sentences and fines of 20,000 pounds (\$3,426) and 40,000 (\$6,852) for defaming member of parliament Mustafa Bakry in two 2008 newspaper articles criticizing Bakry's business dealings and his relations with foreign governments. At year's end Barakat remained free pending an appeal. In 2009 police imprisoned Barakat for approximately five days after a court found him guilty in a similar case. The prosecutor ordered him released pending an appeal.

In May 2009 a Cairo appeals court reversed a 2008 decision ruling against founding chairman of the Ibn Khaldun Center for Development Studies Saad Eddin Ibrahim in a civil lawsuit by an NDP activist for "tarnishing Egypt's image" in a series of articles and speeches on democracy. The appeals court also ruled that other pending civil lawsuits against Ibrahim on similar grounds be referred to the public prosecutor for potential investigation. Ibrahim visited the country for the first time since he left in 2007 and spoke about political matters in media interviews.

The Emergency Law authorizes censorship for reasons of public safety and national security. Domestic media practiced some self-censorship on sensitive issues such as the military and the intelligence service due to fear of government reprisal. The Government regularly confiscated publications by Islamists and other critics of the state. It increasingly ceded confiscatory authority to government-controlled Al-Azhar University, and authorities acted on the university's recommendations to confiscate publications.

In February an appeals court upheld a fine and a ban on author Magdy El-Shafee's graphic novel *Metro*. In June 2009 El-Shafee was tried in connection with a lawsuit filed by an NDP member accusing him of using profanity and depicting nudity in *Metro*. Observers believed the suit was politically motivated due to the novel's criticism of the NDP and the Government.

In 2008 authorities confiscated 5,000 copies of a book written by former senior police officer Amr Afifi that discussed legal procedures relating to interactions with police officers and explained citizens' rights vis-a-vis security forces. Afifi subsequently fled the country and remained abroad at year's end.

On May 19, a Cairo appeals court upheld the one-year prison sentences handed down on January 6 and February 2 in absentia against Abdu Maghrabi and Ihab Agami, an editor and a journalist, respectively, from the weekly newspaper, Al-Balagh Al-Gadid for alleging that police questioned a group of popular male actors for engaging in a gay prostitution ring. The court also upheld the 40,000 pounds (\$6,852) fines included in the sentences. Maghrabi entered prison on May 19 and remained in prison at year's end. Agami had not been apprehended nor had he turned himself in by year's end.

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

On November 27, following a suit brought by an NGO, an administrative court ordered the cancellation of an October 11 government decree to regulate bulk SMS messages. According to NGO sources, the court ruled the Government decree violated freedom of expression and the right to information. The Government appealed the court's decision, and at year's end the appeal was under review.

Internet Freedom.—According to 2009 International Telecommunication Union statistics, approximately 21 percent of the country's inhabitants used the Internet, which the Government actively promoted through low-cost access. According to the Government, during the year there were more than 165,000 blogs in the country, and approximately 20 percent of them focused on politics. On rare occasions during the year, the Government blocked access to some websites and monitored the Internet. According to NGO observers, the Government blocked election-related websites belonging to the MB and an activist group on the day of the November 28 People's Assembly election and the December 5 run-off election. According to NGOs the Government required Internet cafes to gather personal information of Internet users, including names, e-mail addresses, and telephone numbers.

During the year police harassed, detained, and allegedly abused certain bloggers and Internet activists.

On March 1, blogger Ahmed Mustafa went on trial in a military court on charges of "releasing military information" for asserting on his blog in February 2009 that

the Government dismissed a student from a military academy to create space for another student from a well-connected family. Military police had arrested Mustafa on February 25. On March 7, the Government dropped its case against Mustafa and released him.

On November 29, a military court sentenced Ahmed Hassan Bassiouny to six months in prison on charges of “disclosing military information without permission.” Bassiouny had created a Facebook page to answer questions about military service such as what documents are required and how to fill out the documents. The Facebook page also included patriotic messages and videos, and links to newspaper articles about the military. Bassiouny remained in prison at year’s end.

On May 6, a court acquitted blogger Wael Abbas of providing Internet services illegally and overturned a six-month prison sentence handed down in absentia on February 21. Observers believed the cases were politically motivated due to Abbas’ blogging, which was often critical of the Government.

On July 22, the Government released blogger Hany Nazir, who had been held without charge under the Emergency Law since 2008 following his blogging about allegedly sensitive religious issues.

On July 13, the Government released blogger and activist Musad Abu Fagr, who had been jailed since 2007 without charge under the Emergency Law following blog posts about the difficulties faced by Sinai Bedouins.

On November 16, authorities released blogger Karim Amer, incarcerated since 2006; according to Amer’s public statement on November 24, prison officials beat him on three occasions during his detention. According to Amer and NGO sources, an SSIS officer beat him during SSIS detention between November 5 and November 16, and warned him not to blog upon his release.

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 campus. Professors published articles in academic journals covering a wide range of topics, but observers assessed that professors practiced degrees of self-censorship regarding commentary on sensitive issues such as the military, the security forces, and government corruption. According to an NGO source, the Government excluded MB-affiliated students from participating in student elections. During the year the Government harassed students collecting signatures endorsing Mohammed El-Baradei’s political reform petition, and students belonging to the “April 6” movement.

In March and April, according to an NGO source, police arrested under the Emergency Law 10 MB-affiliated students at Menufiya University in the Delta at parties where students sang songs supporting the Palestinian cause. The Government released all 10 students by September 11.

On October 3, according to an NGO source, a police officer beat and kicked an MB-affiliated female student at Zagazig University, resulting in slight bruises, after she refused to allow security to check her bag while she was entering campus.

On October 9, according to an NGO source, students at Ain Shams University in Cairo affiliated with the “April 6” movement, the National Association for Change, and the MB clashed with police after the students tried to convince others to sign Mohammed El-Baradei’s political reform petition. According to the NGO, police slightly injured four students during the clashes.

On October 23, the Supreme Administrative Court upheld a lower court decision to bar police from university campuses. At year’s end the Government had not implemented the ruling.

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 sometimes tried to assure that foreign films made in the country portrayed the country in a favorable light. During the year domestic films playing in theaters addressed political and socioeconomic issues in a critical manner.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, but the Government restricted this right. Citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Protests may not be held in or near places of worship, in accord with a 2008 ministerial decree. The ministry refused to grant permits for some political events, and the Government tightly controlled public demonstrations, including some meetings on private property and university campuses.

Throughout the year authorities tolerated a wide range of peaceful demonstrations by labor activists protesting labor conditions and government policies. How-

ever, police sometimes responded to political demonstrations in large numbers to contain the size, location, and effectiveness of the demonstrations, and they sometimes used excessive force. In certain demonstrations police detained suspected organizers; some alleged mistreatment in detention.

On January 15, the Government arrested and detained a group of approximately 30 activists and bloggers as they arrived in Naga Hammadi to visit the families of those killed in the January 6 sectarian shootings. The Government released the detainees on January 16, with charges pending related to illegal assembly.

Throughout the year police briefly detained members of the “April 6” movement who distributed leaflets and planned political events. On April 6, according to bloggers and activists, police arrested approximately 70 members of the group during a protest in downtown Cairo. Witnesses reported several detained protesters appeared to have been beaten by police.

On May 3, approximately 100 members of opposition groups, political parties, and independent members of parliament demonstrated in Cairo to demand electoral reforms and an end to the state of emergency. Security forces encircled the demonstrators to prevent them from marching a short distance to parliament to present their demands. When demonstrators tried to break through the security forces, police pushed the demonstrators back and beat some of them.

On September 21, approximately 250 demonstrators from opposition groups and parties staged an antisuccession protest in Cairo against President Mubarak’s son Gamal. When demonstrators tried to exit an area cordoned off for the protest, police pushed and hit some demonstrators. Police briefly detained an estimated 15 to 40 demonstrators.

On December 12, several hundred protesters from opposition groups and parties protested the People’s Assembly election results. According to observers police pushed and shoved protesters who tried to demonstrate outside a cordoned area but did not make arrests.

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

During the year the Ministry of Social Solidarity delayed or did not grant permission for some NGOs to receive foreign funding, and in a few cases the Government prevented NGOs from holding events, training, meetings, and workshops in different cities. In a few cases, the Government denied entry to foreign consultants supporting international NGO programs.

c. Freedom of Religion.—For a complete description of religious freedom, see the 2010 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 law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, albeit 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 but unclear circumstances. While some Bahai have obtained national identification cards with a “dash” for religion, married Bahai and their children continued to face difficulties obtaining national identification cards because the Government does not recognize Bahai marriages. As a result some Bahai men of draft age were unable to establish that they have fulfilled or are exempt from military service obligations and, therefore, faced difficulty obtaining passports. An unmarried woman younger than 21 years old must have permission from her father to obtain a passport and to travel, and police reportedly required such permission for married women in practice, although the law does not require it. Authorities occasionally held individuals at the airport to delay or prevent altogether their travel for what appeared to be political reasons. The Government also used travel prohibitions to punish dissidents.

On December 28, a court revoked a travel ban imposed by the Ministry of Interior on Christian convert Maher al-Gohary. The ministry had reportedly denied foreign travel to al-Gohary since 2009 based on “security concerns,” claiming his case would be used internationally to “defame” the country.

The constitution prohibits forced exile, and the Government did not use it during the year; a number of citizens remained outside the country in self-imposed exile.

The Government did not consistently cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in pro-

viding protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees.—The constitution includes provisions for the granting of refugee status or asylum; 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 that the UNHCR assumes full responsibility for the determination of refugee status on behalf of the Government.

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 account of their race, religion, nationality, membership in a particular social group, or political opinion. Compared to past years in which the Government forcibly repatriated hundreds of Eritreans, during the year there was a marked decrease in the number of deportations. In April the Government tried to forcibly repatriate two Darfuris but was prevented by an administrative court decision. In September the Government attempted to deport two more Darfuris whose cases are still pending.

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

There was a consistent flow of Eritrean, Sudanese, and other African asylum seekers and economic migrants who attempted to migrate through the country to Israel during the year. During the year border police shot and killed at least 28 African migrants attempting to cross the border into Israel and injured many more. There was no indication the Government took action to punish border police involved in these shootings.

There were also increased reports from asylum seekers and migrants crossing the Sinai into Israel of extortion, rape, torture, and killings by Bedouin smugglers in Sinai. In December press and NGO reports alleged that smugglers were holding 250 Eritreans hostage and torturing them to extort money from their families. Information from asylum seekers, NGOs, and the UNHCR in Egypt corroborated accounts from African migrants in Israel that migrants endured extortion and serious abuse—such as beatings and being cut, burned, and deprived of water for extended periods of time—while transiting Sinai.

Authorities arrested nearly 500 migrants during the year. Those apprehended while attempting illegal border crossings were generally sentenced to one year in prison and were subject to deportation following completion of the sentence. In a small number of cases, authorities detained unregistered asylum seekers for more than one year without access to the UNHCR. The Government maintained that these measures were necessary to provide for security along the border and combat smuggling. The UNHCR did not have access to those arrested to determine their refugee status.

Imprisoned refugees, asylum seekers, and migrants were held in small cells with convicted criminals, where they had limited or no access to sunlight for periods of three to five months, no access to medical treatment, and poor food. African prisoners often faced race-related beatings and discrimination.

Refugees continued to face limitations with regard to access to work, education, and health services. African refugees in particular faced SSIS harassment, restrictions on employment, poor housing, limited access to health care and education, and societal discrimination based on race. Iraqi refugees faced restrictions on employment and on access to health and education services.

Representatives of stateless persons living in Cairo expressed concern that such individuals often did not qualify for protection under the local refugee apparatus. Stateless persons made up less than 1 percent of all registered refugees. Nearly all stateless persons, many of whom were the children of Eritrean fathers and Ethiopian mothers, lacked refugee status and were not considered citizens by either of their parents' countries. They received no monetary assistance, lacked the ability to work, and were isolated from other members of refugee communities.

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 518-seat People's Assembly every five years, with 10 of the seats filled by presidential appointment. 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 six years, with half of the council's elected seats contested every three years. There continued to be limitations on citizens' rights to change their government peacefully.

Elections and Political Participation.—On November 28, the country held elections for the People's Assembly, the lower house of parliament. Independent media,

NGOs, and domestic election observers reported low voter turnout, widespread fraud, exclusion of accredited monitors and candidate representatives from polling stations, lack of independent oversight at polling stations, and interference and intimidation by security forces. The High Electoral Commission ignored court orders invalidating election results in some districts due to problems with candidate registration. Citing reports of electoral fraud in the first round, the opposition Wafd party and the MB boycotted the second round of the elections held on December 5. Observers reported similar instances of fraud and security intervention in the second round of voting. Non-NDP representation in the parliament declined from 122 to 84 members, most of whom formerly belonged to the NDP. During the preelection period, authorities arrested hundreds of opposition activists. Political parties reported that state television refused to provide equal air time for their political advertisements. NGOs also reported problems with voter and candidate registration and domestic observer accreditation. On June 1, the country held elections for the Shura Council, the upper house of parliament, that were marked by similar problems.

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 religious slogans in political campaigns)—and the MB remained an illegal organization; however, independent MB-affiliated members of parliament continued to participate in parliament. In previous years the Government refused to grant official registration to at least 12 political parties that had filed applications. In July the political parties committee rejected the Reform and Development Party's application for registration.

The Government implemented a new 64-seat quota for women in the 518-seat People's Assembly. In addition to the 64 quota seats held by women, two women won seats, and the president appointed another woman, for a total of 67 People's Assembly seats held by women. The 264-seat Shura Council included 12 women. Three women served among the 32 ministers in the cabinet.

There were 10 Christians (seven appointed and three elected) in the People's Assembly, eight 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 People's Assembly and Shura Council. A Copt served as one of the country's 28 governors in Qena. According to available information, there were very few Christians in the upper ranks of the security services and armed forces. No other minorities served in political or other high-ranking positions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the Government did not consistently and effectively implement the law, and impunity was a problem. The media routinely reported on confirmed cases of low-level corruption, including the fraudulent alteration of official documents, embezzlement, and bribery and on corruption trials of former senior government officials. The Central Agency for Auditing and Accounting (CAA) is the Government's anticorruption body and submits biennial reports to the People's Assembly that are not available to the public. The CAA stations monitors at state-owned companies to report corrupt practices. Observers did not judge the CAA to be effective.

According to observers 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.

On February 2, former housing minister Mohammed Ibrahim Soliman resigned from parliament following press reports that the Government was investigating him for corruption. Independent members of parliament filed a criminal complaint against Soliman in January 2009 for alleged corrupt real estate deals.

In 2008 Cairo Criminal Court convicted former deputy agriculture minister Youssef Abdel Rahman of approving the importation of banned pesticides, harming the public interest, and receiving bribes and sentenced him to 10 years in prison. The court sentenced 13 other government officials to prison sentences of between six months and seven years. On April 21, an appeals court upheld the verdicts, and the officials were incarcerated.

There are no financial disclosure laws for public officials, nor is there a legal framework stipulating how citizens could access government information. In practice the Government was not generally responsive to requests for documents regarding government activities and did not provide reasons for its lack of responsiveness. The

Government released public statements and held press briefings for foreign and domestic journalists. According to the Government, ministries provided publications and pamphlets to citizens who requested information.

In a December study by the Government, 57 percent of respondents reported that the payment of bribes was required to obtain government services and that corruption among civil servants had increased over the previous year. Requests for bribes were reported most often during interactions with police, courts, the traffic department, and officials issuing construction permits.

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

Government restrictions on NGO and international organization activities, including limits on domestic organizations' ability to accept foreign funding, continued to limit investigation of and reporting on human rights abuses.

Local independent human rights NGOs included the Egyptian Organization for Human Rights, HRAAP, Arab Penal Reform Organization, Association for Human Rights and Legal Aid, Cairo Institute for Human Rights Studies, Egyptian Initiative on Personal Rights, Ibn Khaldun Center, Arab Center for the Independence of the Judiciary and the Legal Profession, Arab Network for Human Rights Information, Nadim Center for the Rehabilitation of Victims of Torture and Violence, Association for Freedom of Thought and Expression, and Egyptian Center for Women's Rights (ECWR). NGOs formed a coalition to advance their objectives during the UN Human Rights Council Universal Periodic Review (UPR) of the country and issued reports compiled by the UN Office of the High Representative on Human Rights identifying areas of concern and making recommendations for issues the Government should address. Internet activists and bloggers continued to play a significant role in publicizing information about human rights abuses. Although unregistered organizations generally were allowed to conduct operations, they did so in violation of the law with the prospect of government interference or closure.

The Government did not demonstrate a consistent approach to cooperating with human rights NGOs, sometimes harassing them or restricting their activities. In a few cases, the Government prevented NGOs from holding events during the year. Government officials were selectively cooperative and responsive to some NGOs' views. Throughout the year the Government met with a range of NGOs to discuss human rights, including the minister of state for parliamentary and legal affairs' meetings with NGOs in the context of the UPR process.

On September 18, a court dismissed a lawsuit filed by Judge Abdel Fattah Murad alleging that the leaders of two prominent human rights NGOs and a blogger defamed Murad by publicly claiming he quoted without attribution from the work of one of the NGO leaders on Arab governments' policies toward bloggers.

The Government generally allowed international human rights NGOs to establish informal operations. HRW maintained an office in the country. Other organizations, such as Amnesty International, made periodic visits as part of their regional research program and were able to work with domestic human rights groups. In 2008 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 waiting for official approval. The Government registered the American Bar Association on October 4 and the International Foundation for Electoral Systems on December 6. The National Democratic Institute and the International Republican Institute, which provided 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 permitted the visit of the UN special rapporteur on trafficking in persons. In an April 21 statement issued at the end of her visit, the special rapporteur congratulated the Government on the April 20 adoption of a comprehensive trafficking law, urged the Government to implement the law fully, and called for the Government to intensify its efforts to combat human trafficking. In December the special representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises visited the country and met with government officials and members of the business community.

According to UN information, the Government did not agree to visit requests from six special rapporteurs and one working group. The requests were from the special rapporteur on the independence of judges and lawyers; the special rapporteur on the situation of human rights defenders (requested in 2003 and renewed in 2008); the special rapporteur on freedom of religion or belief (requested in 2005); the special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (requested in 1996 and 2007); the Working Group on Arbitrary Detention (requested in 2008); the special rapporteur on extrajudicial, summary, or arbitrary exe-

cutions (requested in 2008); and the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism who visited in 2009 and requested a subsequent visit. The Government agreed to a future visit by the special rapporteur on the sale of children, child prostitution, and child pornography (requested in 2009).

The UNDP Human Development Report on the country focused on the challenges faced by the country's youth, noting problems such as unemployment, poverty, and inequality of access to education and providing recommendations for how to address them. The UN Committee on the Elimination of Discrimination against Women issued a February 5 report welcoming some government steps and recommending action on matters such as repealing discriminatory legislation.

The NCHR is a consultative subsidiary of the Shura Council that monitored government abuses of human rights; it formally submitted citizen complaints to the Government and issued reports critical of the Government. During the week of March 14, the NCHR issued its sixth annual report on the status of human rights in the country, covering 2009 and the beginning of the year. The report was critical of some government practices, including restrictive legislation governing political parties and NGOs, arbitrary deprivation of life cases, increased sectarian tensions, MB detentions, and the use of state security courts and military courts to try civilians. For the first time, the report made no recommendations. In February the Shura Council announced the new composition of the NCHR for a three-year term beginning that month. The Shura Council appointed former chief justice of the Court of Cassation Moqbel Shaker as the new vice president, replacing Kamal Aboulmagd, a former minister. The People's Assembly had a human rights committee that human rights activists deemed ineffective.

Section 6. 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. The constitution prohibits discrimination based on race, ethnic origin, language, religion, or creed, but the Government did not effectively enforce these prohibitions.

Women.—The law prohibits rape, prescribing penalties of 15 to 25 years' imprisonment or life imprisonment for cases involving armed abduction. The number of cases investigated was small because women were reluctant to report rape. Spousal rape is not illegal. According to a 2007 study by the National Center for Criminal and Social Research, there were approximately 20,000 cases of rape annually.

Although the law does not prohibit domestic violence or spousal abuse, provisions of law relating to assault may be applied with accompanying penalties. However, the law requires that an assault victim produce multiple eyewitnesses, which is a difficult condition for a domestic abuse victim. 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 quasi-governmental National Council for Women (NCW) trained law enforcement personnel and attorneys on increasing their efforts to combat domestic violence against women. The NCW and independent NGOs also held sessions to train women on how to report domestic violence to attorneys and law enforcement personnel. The NCW had ombudsman officials in their 27 offices covering all of the country's governorates.

The law does not specifically address honor crimes, in which a man violently assaults or kills a woman, usually a family member, because of a perceived lack of chastity. There were no reliable statistics regarding the extent of honor killings, but observers believed such killings took place during the year, particularly in rural areas.

Sex tourism existed in Luxor and at beach resorts such as Sharm El-Sheikh. Most sex tourists came from Europe and the Persian Gulf region.

There is no specific law criminalizing sexual harassment, but the Government prosecuted sexual harassment under existing law. Sexual harassment remained a serious problem. A 2008 ECWR survey 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 daily. In June 2009, to combat increasing rates of sexual harassment, the Ministry of Islamic Endowments distributed a book entitled *Sexual Harassment: Its Reasons and How to Address It* to imams and preachers in all governorates. The ECWR noted the step but criticized the book's discussion of sexual harassment, which included blaming women for triggering harassment.

The Government did not restrict citizens' family planning decisions. The Ministry of Health distributed contraception, provided personnel at no cost to attend births, postpartum care to mothers and children, and treatment for sexually transmitted

diseases at no cost. According to the UN Committee on the Elimination of Discrimination against Women's February 5 report, maternal mortality rates decreased from 84 per 100,000 live births in 2000 to 55 per 100,000 live births in 2008. NGO observers reported that poor reproductive health care contributed to the maternal mortality rate and that government family planning information and services were not adequate to meet the needs of the entire population. The UN Committee on the Elimination of Discrimination against Women's February 5 report called on the Government to strengthen access to affordable contraception throughout the country, assure women in rural areas do not face barriers in accessing family planning information and services, promote sex education for adolescents, and conduct national surveys on maternal mortality and morbidity. According to the most recent statistics from the UN Committee on the Elimination of Discrimination against Women, the rate of contraception use in 2005 was 59 percent. NGOs expressed concern over lack of access to reproductive information and services for adolescent girls.

The law provides for equality of the sexes; however, aspects of the law and 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 Sharia, 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. A Muslim female heir receives half the amount of a male heir's inheritance, and Christian widows of Muslims have no inheritance rights. A sole Muslim female heir receives half her parents' estate, with the balance going to the siblings of the parents or to the children of the siblings if the siblings are deceased. A sole male heir inherits his parents' entire estate. A woman's testimony is equal to that of a man in courts dealing with all matters except for personal status, such as marriage and divorce.

Labor laws provide for equal rates of pay for equal work for men and women in the public sector, although this did not always happen in practice. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence and other traditional and cultural attitudes and practices inhibited further gains. According to the most recent government figures from 2007, women filled 19 percent of private sector jobs, 29 percent of public sector jobs, and 22 percent of the total workforce.

On July 12, the State Council's Special Council decided to stop hiring women in entry-level judicial positions indefinitely. A variety of government offices promoted women's legal rights. The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide to provide legal and medical services. The NCW proposed and advocated policies to promote women's empowerment and designed development programs to benefit women. It also provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes. A number of active women's rights groups also worked to reform family law, educate women on their legal rights, promote literacy, and combat female genital mutilation (FGM).

Children.—Citizenship is derived through a combination of the principles of birth within the country's territory and from one's parents. The February Committee on the Elimination of Discrimination against Women report welcomed a 2004 amendment that grants gender equality regarding the transfer of Egyptian nationality to the children of a man or a woman who marries a foreigner. The report expressed concern that Egyptian women cannot pass their nationality to their foreign husbands, unlike Egyptian men who have such right after two years of marriage. The Government generally attempted to register all births but faced resistance from citizens in some remote areas of the country, such as the Sinai. The Government worked with NGOs in an attempt to address this problem.

Education is compulsory, free, and universal until the ninth grade.

FGM remained a problem, but the Government addressed it seriously; FGM rates declined from previous years. According to the most recent government statistics, the Government received approximately 5,000 reports of FGM cases from citizens between 2005 and 2009. In 2008 the minister of population and families stated publicly that FGM rates in Upper Egypt were 65 percent but did not exceed 9 percent in northern governorates. The law criminalizes FGM except in cases of medical necessity, with penalties of three months to two years in prison or a fine of up to 5,000 pounds (\$857).

Partnering with NGOs, the Justice Ministry, and the public prosecutor, the Ministry for Population and Families continued its campaign to combat FGM through public outreach and encouraging the public prosecutor to pursue prosecutions. The ministry organized renunciation ceremonies and made announcements through the year that certain villages were FGM-free.

Although reliable data were lacking, several NGOs, including the Hope Village Society, ECWR, and the Alliance for Arab Women, reported that child marriages, including temporary marriages intended to mask prostitution, were a significant problem. In 2008, as part of the Child Law amendments, the Government raised the legal age of marriage from 16 to 18 years old.

The Ministry of Social Solidarity offered shelters for street children, but many children chose not to seek refuge there. The shelters closed at night, forcing the children back onto the street. The Ministry for Population and Families offered a hotline for street children and abused children and a day shelter for male street children that also provided literacy training, computer training, and health care.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—Anti-Israel sentiment is common in the media and at times devolved into anti-Semitic rhetoric. 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 with Hitler and the Nazis were published throughout the year, particularly during and following Israeli Defense Force killings of persons on ships carrying aid headed to Gaza in June. The Government reportedly 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. A number of private satellite television stations, licensed by the Government and broadcast on government-owned NileSat, broadcast severe anti-Semitic programming; the programs used video and pictures of the Holocaust to glorify it. Other programs denied or diminished the Holocaust's existence. The Government removed 12 of these channels from NileSat in October. On November 27, an administrative court ordered NileSat to reinstate five of these stations, which NileSat did. There were reports of imams using anti-Semitic rhetoric in their sermons, although the Minister of Islamic Endowments instructed imams to avoid anti-Semitism when making anti-Israel remarks. There were no reports of anti-Semitic violence directed toward the country's approximately 100 Jews.

On February 23, police arrested a man who threw combustible material from a hotel facing a downtown Cairo synagogue February 21. The material caught on fire on the street outside the synagogue but caused no damage or injuries. According to multiple press reports, the assailant was scheduled to go on trial in 2011.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law provides that all businesses must designate 5 percent of their positions for persons with physical or mental disabilities; however, there are no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor are there laws mandating access to buildings or transportation. Widespread societal discrimination continued against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-operated treatment centers for persons with disabilities, especially children, were poor.

The ministries of education and social solidarity share responsibility for protecting rights of persons with disabilities. Persons with disabilities rode government-owned mass transit buses free of charge and received special subsidies to purchase household products, wheelchairs, and prosthetic devices. Persons with disabilities also received expeditious approval for the installation of new telephone lines and received reductions on customs duties for specially equipped private vehicles. The Government also worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law does not explicitly criminalize homosexual acts, the law allows police to arrest gays on charges of debauchery. In January 2009 police arrested 10 men in Cairo on charges of debauchery. Authorities forced the men to undergo HIV tests and anal examinations in detention. Following a court order, police released the men in May 2009. Gays and lesbians faced significant social stigma in society and in the workplace.

Other Societal Violence or Discrimination.—HIV-positive individuals faced significant social stigma in society and in the workplace.

Section 7. Worker Rights

a. The Right of Association.—The law permits workers to form unions, with several significant restrictions. All unions are required to join one of the 23 officially recognized industrial federations to operate, and these federations must affiliate with the Government-affiliated Egyptian Trade Union Federation (ETUF) to be legally recognized. The Government considers all unions that are not part of ETUF to be operating as illegal entities. ETUF was strongly influenced by the ruling National Democratic Party. However, the Government allowed a number of small, independent unions—including the Real Estate Tax Collectors Authority (RETA) union—to operate with minimal interference. In practice there was minimal union representation in the private sector, and most of that was found in formerly state-owned factories that have been privatized.

According to ETUF's website, it represents more than five million workers. ETUF influenced 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.

Workers seeking to form independent unions may face dismissal or refusal to register. However, in 2008 the country's 52,000 public-sector real estate tax collectors announced the formation of the RETA union and refused to join the ETUF. The Ministry of Manpower and Migration (MOMM) did not formally reject the RETA application for registration, but the union continues to have uncertain legal standing because it has not been formally recognized by the ETUF. ETUF leadership filed a complaint with the public prosecutor against the RETA union president in September 2009. The public prosecutor interviewed the president but took no further action. At the same time, ETUF formed a rival union for tax collectors and other employees of the Ministry of Finance and has since directed funding to this organization, rather than to RETA. Two other workers' groups—medical technicians and teachers and school administrators—began the process of forming independent unions during the year.

The 2003 Unified Labor Law permits peaceful strikes, but only after an extended negotiation process and only if the strike is announced in advance and approved by a general trade union affiliated with ETUF. In practice strikes were rarely, if ever, approved. Nevertheless, strikes and work stoppages occurred very frequently throughout the country. There were somewhat fewer strikes and worker actions during the year compared with the previous year, although workers' rights NGOs noted that they were often larger and more effective in achieving stated goals than in previous years. To legally call a strike, ETUF 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, approval from two-thirds majority of the ETUF-member general trade union is necessary. 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, at which the interruption of work could result in disturbance of national security or basic services, which covers the majority of workers (see section 7.e.).

Strikes were largely peaceful, despite the presence of government security forces at larger strikes. There was an increase in high-profile strikes during the year, notably in the textile and steel industries, as well as government workers such as teachers, journalists, lawyers, and employees of the state statistical agency. The Government generally did not interfere in strikes in either the public or private sector, provided they did not become violent and strikers' demands were focused on economic issues.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining; however, it requires tripartite negotiations, including the employer, workers, and the Ministry of Manpower and Migration. In practice the requirement for tripartite negotiations was seldom followed, and workers negotiated directly with employers. In a few cases of strikes in the private sector, the Government reportedly involved itself in negotiations. In many cases, such as the large state-owned textile factories in Mahalla, the Government is the employer.

The law does not permit antiunion discrimination; however, there were reports that such discrimination occurred in practice and that enforcement efforts were ineffective.

Labor law and practice were the same in the approximately 10 existing export processing zones as in the rest of the country. The International Trade Union Con-

federation reported that private sector workers throughout the country, including in special economic zones, complained of poor working conditions.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor. Such practices were reportedly rare. Also, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children younger than 17 years old from working in most sectors. However, in some cases employers abused, overworked, and generally endangered working children. The law also limits the type and conditions of work a child younger than 18 may perform. In nonagricultural work the minimum age for employment is 15. Provincial governors, with the approval of the minister of education, may authorize seasonal, often agricultural, work for children who are 13 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 hours without a break. Children younger than 16 are prohibited from working in 44 hazardous industries, including agricultural work involving the use of pesticides. A person convicted of forcing children below the minimum age to work may face a prison sentence of three to six months.

According to recent UN, NGO, and American University in Cairo estimates, between 2.7 million and 5.5 million children worked in the country, 70 to 80 percent in agriculture. Many of these children worked legally, especially in agriculture. Children also worked in light industry, as domestic workers, on construction sites, and in service businesses such as auto repair shops. According to NGO and media reports, the number of street children in Cairo was increasing, and these children were at risk of being sexually exploited or forced to beg.

The MOMM, working with the National Council for Childhood and Motherhood and the Ministry of Interior, generally enforced child labor laws in state-owned enterprises and formal private sector establishments through labor inspections and supervision of factory management, although enforcement in the informal sector was weak. As a result of limited and inconsistent funding for inspector training and enforcement, child labor enforcement inspectors generally operated without specific training on child labor issues and performed these inspections as part of their other duties. Training programs varied in quality by governorate. When offenders were prosecuted, the fines imposed were often as low as 500 pounds (\$86) and thus had questionable deterrent effect. Child labor in the informal sector remained prevalent. Government efforts to address the problem focused on collecting data to design effective intervention programs and government support for a package of intervention programs with the assistance of international agencies. The Government established a national tripartite committee, which included relevant ministries, worker and employer representatives, and NGOs to address the problem of child labor.

According to the independent Hisham Mubarak Center, the Government's efforts to combat child labor in the informal sector were ineffective. The Government made progress toward eliminating the worst forms of child labor, pursuant to the UN Convention on the Rights of the Child; however, challenges remained. The National Council for Childhood and Motherhood worked during the year to provide working children with social security safeguards and reduce school dropout rates by providing families with alternative sources of income. Also, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The Government did not set a private sector minimum wage, although in November a court ordered the Government to establish one. There was a public-sector minimum wage, although it frequently did not provide a decent standard of living. Base government pay was commonly supplemented by a complex system of fringe benefits and bonuses that could double or triple a worker's salary. Following the court order, the National Council on Wages recommended a minimum wage of 400 pounds (\$69) per month, which workers argued was not enough to provide a decent standard of living, according to press reports. Parliament had not addressed this recommendation by year's end. According to the Government, few workers in the formal private sector and no government workers earned less than this amount.

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 workweek is 48 hours. Most private-sector employees worked 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 are supposed to receive 200 percent for work on national holidays. The labor law permits overtime work in limited circumstances; the law was enforced through labor inspections.

The MOMM sets and enforces worker health and safety standards; 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.

On August 3, an explosion killed one worker and injured six others at Helwan Engineering Industries military factory. Workers staged a sit-in protest. On August 30, a military court handed down three acquittals and five suspended sentences with 1,000 pounds (\$171) fines for stopping work, damaging factory equipment, assaulting a general, and disclosing military secrets. In June parliament amended a law covering military courts to grant them jurisdiction over workers in military factories.

There were reports of employer abuse of citizen and undocumented foreign workers, especially domestic workers. 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 77 million, is a constitutional, theocratic republic in which Shia Muslim clergy, and political leaders vetted by the clergy, dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty—albeit restricted—and the rule of the supreme leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was not directly elected but chosen by a directly elected body of religious leaders, the Assembly of Experts, in 1989. Khamenei's writ dominates the legislative, executive, and judicial branches of government. He directly controls the armed forces and indirectly controls internal security forces, the judiciary, and other key institutions. The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. The unelected 12-member Guardian Council reviews all legislation the Majles passes to ensure adherence to Islamic and constitutional principles; it also screens presidential and Majles candidates for eligibility. Mahmoud Ahmadi-Nejad, a member of the Alliance of Builders political party, was reelected president in June 2009 in a multiparty election that was generally considered neither free nor fair. There were numerous instances in which elements of the security forces acted independently of civilian control.

The Government severely limited citizens' right to peacefully change their government through free and fair elections, and it continued a campaign of postelection violence and intimidation. The Government committed extrajudicial killings and executed persons for criminal convictions as juveniles and through unfair trials, sometimes in group executions. Security forces under the Government's control committed acts of politically motivated violence and repression, including torture, beatings, and rape. The Government administered severe officially sanctioned punishments, including amputation and flogging. Vigilante groups with ties to the Government, such as Basij militia, also committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and continued to crack down on women's rights activists, ethnic minority rights activists, student activists, and religious minorities. There was little judicial independence and few fair public trials. The Government severely restricted the right to privacy and civil liberties including freedoms of speech and the press, assembly, association, and movement; it placed severe restrictions on freedom of religion. Authorities denied admission to or expelled hundreds of university students and professors whose views were deemed unacceptable by the regime. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, children, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender persons were extant. Trafficking in persons and incitement to anti-Semitism remained problems. The Government severely restricted workers' rights and arrested numerous union leaders. Child labor remained a serious problem.

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

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 multiple acts of arbitrary or unlawful killings, and the Government made only limited attempts to investigate killings.

There were at least two extrajudicial killings during the year, and there were few updates or investigations into cases from previous years.

On February 22, Yavar Khodadoust, held at Gohardasht Prison in Karaj, reportedly died as a result of severe torture. Prison officials reportedly warned Khodadoust's family from pursuing an investigation into his death.

On April 30, according to multiple sources, unknown persons in Sari Prison reportedly tortured to death Hadi Aravand, a death row prisoner, who had been convicted of murder. Sari Prison's warden claimed that Aravand's death was the result of suicide, but the coroner ruled that Aravand died from suffocation with a plastic bag tied over his head and confirmed that Aravand's arms were tied behind his back and his legs tied together at the time of his death. Torture and bruise marks were reportedly visible on Aravand's body, including a broken arm, wounds on his back, and a small deep slit around his neck.

There were no updates in the June 2009 killings in separate incidents of Amir Mirza or Taraneh Mousavi. After Basij militia arrested Mirza and Mousavi, authorities allegedly beat and tortured them in custody, including raping Mousavi.

There was no update in the July 2009 killing of Mohammad Naderipour, chairman of the student chapter in former presidential candidate Mir Hossein Mousavi's election campaign. According to Iran Human Rights Voice (IHRV), Naderipour's body was found inside his vehicle 48 hours after plainclothes security forces had arrested him. The coroner determined that Naderipour's death was the result of "a blow by a blunt object to the back of the head." Authorities reportedly demanded the family bury his body immediately, allegedly to avoid further investigation.

In June a military court sentenced two unnamed prison officials to death in connection with the July 2009 beating deaths of university students and protesters Amir Javadifar, Mohammed Kamrani, and Mohsen Rouhalemini at Kahrizak Prison; nine others were sentenced to prison terms and lashes. The 12th was exonerated. The names and identities of the convicted were not published. In the wake of the torture allegations and the deaths of the three individuals, the supreme leader shut down the prison and launched an investigation into the case. In August Tehran Prosecutor General Saeed Mortazavi was suspended for his role in the deaths and promoted to deputy prosecutor general for Iran.

There were no updates in the July 2009 death of former student activist Alireza Davoudi who suffered a heart attack under suspicious circumstances while in hospital care. His family said officials warned them not to publicize his funeral. Davoudi had been expelled from Isfahan University, reportedly for his political activities, when in February 2009 Ministry of Intelligence and Security (MOIS) officers allegedly arrested him in his home in Isfahan and took him into custody. Security officials reportedly burned him with cigarettes, beat him, and hung him from the ceiling. In April 2009 authorities released him on bail awaiting trial, but his family hospitalized him soon afterward due to psychological problems stemming from the alleged torture.

There were no updates in the September 2009 case of Saeedeh Pouraghahi, whom security forces arrested for chanting "Allahu Akbar" (God is the greatest), considered a call to dissent, from the rooftop of her home in Tehran. Two days later, authorities summoned Pouraghahi's mother to identify and claim her body, which reportedly had been partially burned to hide evidence of rape and torture.

There were no updates in the November 2009 death under suspicious circumstances of Ramin Pourandarjani, a physician who worked at Kahrizak Prison. Officials gave conflicting reports of the cause of Pourandarjani's death, including a heart attack and an auto accident, before Police Chief Ismail Ahmadi Moghaddam announced that Pourandarjani had committed suicide and that a suicide note explained he feared charges over his alleged failure to give detainees adequate medical treatment. Some sources accused authorities of poisoning the 26-year-old doctor to silence him. Earlier in the year, Pourandarjani testified to a parliamentary committee that authorities told him to list meningitis as the cause of death for Mohsen Rouhalemini (see above), whom Pourandarjani claimed actually died as a result of injuries inflicted during torture.

According to multiple sources, the Government executed approximately 312 persons in summary executions during the year, many after trials that were conducted in secret or did not adhere to basic principles of due process. Some human rights groups reported the number was as high as 500 but had difficulty documenting the

additional cases. Authorities did not release statistics on the implementation of death sentences, the names of those executed, or the crimes for which they were found guilty. Exiles and human rights monitors alleged that many persons supposedly executed for criminal offenses such as narcotics trafficking were actually political dissidents. The law criminalizes dissent and applies the death penalty to offenses such as apostasy (conversion from Islam), “attempts against the security of the state,” “outrage against high-ranking officials,” “enmity towards god” (moharebeh), and “insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.” According to Amnesty International (AI), an increasing number of people were charged with moharebeh, a vaguely defined offense that carries the death sentence. According to Philip Alston, the UN special rapporteur on extrajudicial, summary, or arbitrary executions, moharebeh is “imposed for a wide range of crimes, often fairly ill defined and generally having some sort of political nature.” Iran Human Rights (IHR) reported that 38 individuals were executed for the crime of moharebeh during the year.

On January 28, the Government hanged Mohammad Reza Ali Zamani and Arash Rahmanipour for allegedly belonging to a military royalist group, the Kingdom Assembly of Iran, and for plotting assassinations of government officials. Rahmanipour was 17 at the time of the crime. According to AI, authorities denied both men access to legal counsel and coerced their confessions. Zamani and Rahmanipour were arrested three months prior to the June 12 election, and they appeared in the August 2009 “show trials” (see section 1.e.) with others who had been detained during post-election protests. For this reason many commentators believed that their execution was a warning to prevent further protests.

On May 9, the Government hanged Kurdish activists Farrad Karmangar, Ali Heydarian, Farhad Vakili, Shirin Alam Holi, and Mehdi Eslamian at Evin Prison. In 2008 Karmangar received a death sentence for “endangering national security” based on his alleged involvement with the Turkey-based Kurdish Workers Party. Karmangar, superintendent of high schools in Kamayaran, was affiliated with a number of civil society organizations, including the local teachers’ union, an environmental group, and the Human Rights Organization of Kurdistan. According to the International Campaign for Human Rights in Iran (ICHRI), the defendants’ trials lacked due process or proper evidence, and authorities executed the individuals without prior notification to the families and lawyers.

During the year the Government practiced public executions and group executions. The IHR reported that the Government executed at least 19 persons in public during the year. According to the ICHRI, judicial authorities ordered the hanging of hundreds of individuals inside Vakilabad Prison during the year. According to a former prisoner of Vakilabad, most of those executed were sentenced based on drug-related charges, and the executions were conducted dozens at a time, most without the knowledge and presence of the lawyers and families of those executed.

There were two reports during the year of persons executed for crimes committed when they were minors. In addition to the execution of Arash Rahmanipour (see above), according to IHR, in July authorities executed a juvenile offender known only as Muhammed. Domestic human rights lawyers reported that at least 100 juvenile offenders were on death row at year’s end, many for offenses such as homosexual conduct, apostasy, or acts incompatible with chastity.

Adultery remained punishable by death by stoning, but there were no reported executions by stoning during the year. The law provides that a victim of stoning is allowed to go free if he or she escapes. It is much more difficult for women to escape as they are buried to their necks whereas men are buried only to their waists. According to AI, 10 women and four men were at imminent risk for death by stoning at year’s end (see section 1.e.).

There were no reports of the Government or its agents killing demonstrators during the year; however, during the June 2009 election protests, scores of protesters and nonprotesting bystanders were killed, especially during antigovernment rallies. Government sources reported the death toll at 37, opposition groups reported approximately 70 individuals died, and human rights organizations suggested as many as 388. There were no reported arrests, charges, or investigations in conjunction with these deaths, nor were there updates in the killing cases of the following individuals: Sohran Arabi, Behzad Mohajer, Neda Agha-Soltan, Mahmud Raisi Najafi, and Ashkan Sohrabi.

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 detained them incommunicado for several days or longer before permitting them to contact family members (see section 1.d.). Families of executed prisoners did not always receive notification of their deaths.

Sometime after January 2, according to AI, authorities arrested Sourena Hashemi and Alireza Firouzi, students who had been expelled from Zanzan University for their role in exposing the sexual abuse of a female student in 2008. Their arrest was not officially acknowledged for more than six weeks. Firouzi is a member of Human Rights Activists in Iran (HRAI), many of whose members were arrested in the wave of arrests of human rights defenders in March. Evin Prison authorities released Hashemi on bail on April 4 and Firouzi on May 12.

On November 8, authorities arrested six followers of imprisoned Ayatollah Hossein Kazemeyni Boroujerdi, who called for separation of church and state, and on December 6, authorities reportedly detained Mohammad Mehman Navaz, a civil engineer and supporter of imprisoned Ayatollah Boroujerdi, in an unknown location after summoning Navaz to the special clerical court. At year's end there was no information about where the prisoners were held.

During the year Fayzolah Arabsorkhi, a member of the central body of the reformist Islamic Revolution Mujahedin Organization and former deputy minister of commerce, reappeared at Evin Prison. Sources stated he was serving a six-year term at year's end; however, there was no information about any trial having been held. In July 2009 unidentified persons arrested Arabsorkhi without presenting a warrant or identifying themselves as police. Evin Prison guards allegedly beat Arabsorkhi in custody, necessitating a visit to the hospital. On April 10, according to The Green Voice of Freedom Web site, authorities released Arabsorkhi for five days on a bail of 10 million toman (approximately one million dollars). On December 19, authorities arrested his reformist daughter Fatemeh Arabsorkhi and released her on bail at the end of the year.

The Iranian-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, but there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners. A February 5 study by the UN special rapporteur on torture stated there were "credible" allegations that the country's security forces committed politically motivated torture following demonstrations in 2009.

Common methods of torture and abuse in prisons included prolonged solitary confinement with extreme sensory deprivation (sometimes called "white torture"), beatings, rape and sexual humiliation, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, pulling out toenails, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. To intensify abuse, perpetrators reportedly soaked prisoners before beating them with electric cables, and there were some reports of electric shocks to sexual organs. Prisoners also reported beatings on the ears, inducing partial or complete deafness; blows in the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness.

Some prison facilities, including Evin Prison in Tehran, 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. The Government reportedly used white torture especially on political prisoners, often in detention centers outside the control of prison authorities, including Section 209 of Evin Prison.

There were reports of deaths attributed to torture by government security forces during the year (see section 1.a.). There were also reports of torture of political prisoners and labor leaders during the year, and in 2009 Ahvazi Arabs alleged that authorities tortured and raped community activists during the year (see section 6, Minorities).

On May 18, according to the Committee to Protect Journalists (CPJ), guards at Evin Prison severely beat Kayhan columnist, blogger, and documentary filmmaker Mohammad Nourizad, causing what the prison physician classified as a serious head injury that affected his eyesight. Authorities had detained Nourizad in December 2009 and sentenced him to three and one-half years in prison and 50 lashes on charge that included "propaganda against the regime" and "insulting the supreme leader, the president, and the head of the judiciary." The CPJ sent a letter on June 9 to judiciary chief Sadeq Larijani expressing concern regarding Nourizad's treatment in prison. On June 24, authorities released Nourizad on 300 million toman (\$300,000) bail; however, on August 20, after he published a critical letter addressed to the supreme leader on his blog, authorities rearrested him. Nourizad began a hunger strike on December 10 to protest the irregularities in his trial and prison conditions. On December 16, authorities arrested members of his family along with

the wife of a reformist leader when the families gathered outside of Evin Prison to ask about Nourizad's health. According to the ICHRI, security officials interrogated and verbally abused them.

On August 25, the brother of Azeri activist Youssef Soleiman reported that prison authorities administered electric shocks and gave psychotropic drugs to his brother. Soleiman was arrested on June 16; no charges had been announced in his case at year's end.

During the year according to an August 3 report by the Iranian Committee of Human Rights Reporters, interrogators in the Intelligence Department's isolation cells tortured Ahmad Bab, an activist for Kurdish minority rights arrested in September 2009, and demanded that Bab admit to having connections with antigovernment groups. When Bab refused to confess, one of the interrogators pulled three of his teeth with pliers. Interrogators allegedly also beat Bab with a baton, tied his limbs to the bed and pulled them until he fainted, and verbally abused him.

During the year according to various sources, authorities at Evin Prison tortured or abused and mistreated Mohammad Davari, who served as presidential candidate Mehdi Karroubi's chief of staff and editor in chief of the Saham News Web site until his September 2009 arrest. According to Karroubi's Web site, the torture was intended to force Davari to publicly cast doubt on Karroubi's 2009 claim that post-election prisoners had been raped.

On July 22, journalist Reza Rafei-Forushan wrote a letter to judiciary head Ayatollah Sadegh Larijani describing his abuse in prison and his forced confession. Authorities arrested Rafei-Forushan in June 2009 after the elections and held him for 43 days in solitary confinement during his interrogation.

In June Supreme Leader Khamenei granted clemency to journalist and former Ministry of Intelligence official, reformist, and former presidential advisor Saeed Hajjarian, and authorities released him from Evin Prison in August. During his incommunicado detention beginning in June 2009, prison authorities reportedly interrogated Hajjarian in direct sunlight at high temperatures and then doused him with ice water, causing him to have heart palpitations. Since sustaining a spinal cord injury in an assassination attempt in 2000, Hajjarian has used a wheelchair and required a number of medications; according to the ICHRI, authorities denied him medication and allegedly gave him psychotropic drugs to weaken his mental state. In October 2009, after Hajjarian's appearance in the "show trials" (see section 1.e.), the Revolutionary Court of Tehran sentenced him to a five-year sentence for inciting postelection unrest.

At year's end Ibrahim Sharifi remained outside the country. In June 2009 security personnel sexually assaulted Sharifi after his arrest for participating in antigovernment demonstrations. In August 2009 an unidentified man Sharifi suspected of being a government agent warned him against testifying to a parliamentary committee about his allegations of abuse. There was no evidence that the Government pursued any investigation into Sharifi's abuse claim.

At year's end Maryam Sabri resided outside the country. In July 2009, according to Human Rights Watch (HRW), authorities arrested Sabri during a vigil after her photo appeared on a Web site connected to the Iran Revolutionary Guard Corps (IRGC) that posted pictures of protesters and asked viewers to identify persons in the photos for arrest. According to Sabri, prison guards raped her four times before they released her in August 2009.

At year's end Ebrahim Mehtari resided outside the country. In August 2009 security officers believed to be IRGC members abducted the computer science student and political activist from his workplace and transferred him to a location in eastern Tehran. Mehtari told HRW that his jailers beat him severely and repeatedly and sodomized him with a baton or stick during his detention. Passersby later found him on a street in Tehran semiconscious, bleeding, and with his hands and feet tied, and took him to a hospital. A physician from the medical examiner's office, which reports to the judiciary, examined Mehtari the next day, but when the medical examiner learned Mehtari had just been released from detention, officials tried to destroy the report.

There were no updates in the 2008 beating case of Peyman Fatahi.

Some judicially sanctioned corporal punishment constituted cruel and inhuman punishment, including execution by stoning (see section 1.a.), amputation for multiple-theft offenses, and lashings. According to an October 11 report published by the semiofficial Iranian Students News Agency, Mashad prosecutor Mahmoud Zoghi said that amputations, which were often carried out in the presence of other prisoners, were an increasingly common punishment. The head of the country's delegation to the UN Human Rights Council, Mohammad Javad Larijani, told the council

during the year that the Government does not consider such punishments torture or cruel or inhuman punishment and that they are culturally justified.

On October 16, a judge sentenced a man convicted of robbing a confectionary shop to have one of his hands amputated. According to local press reports, authorities amputated his hand on October 24.

On October 23, according to state media, authorities in Yazd amputated the hand of an unidentified man convicted of theft. According to the ICHRI, deputy judiciary head Seyed Ebrahim Raeisi said the amputation was “based on the law and divine punishment” and “a source of pride for us.”

On December 11, local press reported that the Supreme Court upheld a sentence of blinding with acid for a man who blinded his lover’s husband in the same manner. At year’s end there was no information as to whether this sentence was carried out.

During the year the Government initiated limited investigations into reports of torture or cruel, inhuman, or degrading treatment or punishment; according to AI, these investigations focused more on covering up abuses than revealing the truth or punishing those believed responsible.

Prison and Detention Center Conditions.—Prison conditions were poor. There were frequent water shortages and sanitation problems. Prisoners were frequently subjected to harassment and discrimination. Many prisoners were held in solitary confinement or were denied adequate food or medical care as a way to force confessions. Overcrowding was a significant problem, forcing many prisoners to sleep on the floor. According to a June 11 statement by the Student Committee in Defense of Political Prisoners (SCDPP), Ward 4 of Gohardasht Prison (also known as Rajai Shahr) held more than 800 prisoners, but had a capacity for 240, with no bathrooms and only eight toilets. Numerous prisoners complained that authorities intentionally exposed them to extreme cold for prolonged periods and said they lacked access to medical care in prison. AI and Reporters Without Borders (RSF) reported on July 16 that many prisoners have had heart attacks or other cardiac problems in different prisons, especially Evin and Gohardasht. RSF also noted that prison authorities refused to transfer ailing prisoners to hospitals even when the prisoners urgently needed treatment that can only be provided outside a prison and even when the prison doctors themselves recommended it.

On January 13, according to IHRV, Evin Prison authorities brutally beat Mahdi Mahmudian, a member of Mosharekat Front, who suffered from kidney disease. Mahmudian had reportedly protested the bathroom restrictions enforced on him.

On January 19, former commander of the Center for Expert Naval Training Colonel Alborz Ghasemi died after spending 20 months in confinement in an intelligence detention center and in Evin Prison. Ghasemi suffered from stomach cancer and had been tortured; he allegedly received minimal medical care in detention. He was originally accused of providing intelligence to the People’s Mojahedin Organization (MEK).

As of mid-August authorities reportedly continued to refuse hospitalization requests from two imprisoned journalists with serious health conditions, Isa Saharkhiz, a reformist journalist held in Gohardasht Prison, and Hangameh Shahidi (see section 2.a.). On November 11, according to a press report, Saharkhiz fainted and authorities transferred him to a hospital to receive treatment for his heart condition; however, he returned to prison almost immediately despite a cardiologist’s recommendations that he be released from prison.

On August 19, domestic human rights activists reported that authorities at Karoun Prison in Ahvaz had banned Abolfazl Abedini Nasr, a journalist and former head of a domestic human rights organization, from leaving his cell even though Abedini Nasr was medically required to visit the prison’s clinic every three days to receive medical treatment (see section 2.a.).

On July 26, after authorities granted him early release, student activist Iman Sadighi (see section 1.e., Political Prisoners) reported on conditions in Mati Kola prison in Babol: “Fighting amongst prisoners was a daily occurrence. In one incident two inmates had a fight with each other and one of them bit the other’s ear off, then to prove how dangerous he was, he chewed and swallowed the ear—you felt that there was nothing of humanity left inside the prison. Our rooms were infested with cockroaches. Sometimes the cockroaches would even get in our food. At night, the cockroaches would get into our beds and we would wake up with them crawling over our faces. To add to all this, our blankets were infested with lice, and there were rats that came in the cell from time to time. There are no toilets in these solitary cells; prisoners are only ever allowed to use the toilets three times a day. Many times they can’t wait for their turn and they have to do their toilet in the cell, which is why the solitary wing cells reek of excrement stench.”

There were no updates, nor was there evidence of any government investigation, in the cases of two prisoners who allegedly died due to neglect: Karaj political prisoner Amir Hossein Heshmat Saran in February 2009 or Evin prisoner and blogger Omid Reza Mirsayafi in March 2009 (see section 2.a., Internet Freedom).

On January 7, the parliamentary special committee investigating reports of torture and abuse of postelection detainees in Kahrizak Detention Center in 2009 submitted its final report, which placed responsibility for the beating deaths of three detainees on then prosecutor general Saeed Mortazavi. Authorities transferred Mortazavi to head the country's task force against smuggling. On August 22, progovernment news sources reported that authorities had also suspended three top judicial officials at the Tehran prosecutor's office in connection to the case. In late July 2009 Supreme Leader Khamenei ordered Kahrizak detention center closed.

In an April 14 interview with the Iran Human Rights Documentation Center, nongovernmental organization (NGO) activist Ali Kantoori described conditions in two prisons, Evin and Ghezel Hesar, where he was detained in 2008. In addition to beatings during interrogation, solitary confinement, and harassment of family members, Kantoori said lice infestations were common, prisoners had inadequate access to clean water or medical care, and the prisons lacked heat and air conditioning and had an insufficient number of bathing facilities. Guards reportedly regularly mistreated prisoners, including forcing them to kneel during prisoner counts. Authorities released Kantoori on bail after five months, but in August 2009 the Sanandaj General Court sentenced him to 15 years' imprisonment. In mid-March Kantoori left the country, and he was living outside the country as a refugee at year's end.

In June the UK-based International Center for Prison Studies reported that more than 166,000 prisoners in the country occupied facilities constructed to hold no more than 98,000 persons (170 percent of official capacity). There were reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners. Political prisoners were often held in separate prisons or wards—such as Evin Prison, especially Ward 240, and Ward Eight of Gohardasht Prison, known as the IRGC ward—or in isolation for long periods of time. Human rights activists and international media also reported cases of political prisoners confined with violent felons.

The Government did not permit independent monitoring of prison conditions by any outside groups, including UN groups or special rapporteurs. A parliamentary committee investigating prison conditions paid a visit to Evin Prison in July 2009 and issued its report on January 10. According to press reports, the committee called for a complete investigation and blamed prosecutor Mortazavi for the rape and torture that took place in the prison. At the same time, the committee also blamed opposition candidates Mehdi Karroubi and Mir Houssein Mousavi for fomenting abuse; both previously expressed concern about sexual abuse in Evin Prison. The report claimed that reported sexual assaults did not occur, despite the testimony of numerous witnesses.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, these practices continued during the year.

Role of the Police and Security Apparatus.—Several agencies share responsibility for law enforcement and maintaining order, including the MOIS, the Law Enforcement Forces under the Interior Ministry, and the IRGC. The Basij and 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. In October 2009 the Government announced the merger of the Basij into the IRGC ground forces. While some Basij units received formal training, many units were disorganized and undisciplined. During government-led crackdowns on demonstrations, the Basij were primarily responsible for the violence against the protesters.

The security forces were not considered fully effective in combating crime. Videos posted on the Internet in October documented two stabbing murders that occurred in public spaces while police failed to intervene.

Corruption and impunity were problems. Regular and paramilitary security forces 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 the abusers.

Arrest Procedures and Treatment While in Detention.—The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of charges within 24 hours. Authorities rarely followed these procedures in practice. Authorities held detainees, at times incommunicado, often for weeks or months without charge or trial, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a time limit for detention nor judicial means to determine the legality of the deten-

tion. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often compelled detainees and their families 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.

The intelligence arm of the IRGC reportedly conducted arrests during the year, sometimes without a warrant. Additionally, security forces executed general warrants to arrest protesters or those perceived as opponents of the Government. The use of these general warrants precluded the need for individual warrants.

There were reports of arbitrary and false arrests during the year, including the arrest of dozens of students and journalists in February in anticipation of protests planned for February 11, the anniversary of the revolution.

On February 7, authorities arrested Mahsa Jazini, a women's rights activist and journalist with Iran Newspaper, at her home in Isfahan. According to her attorney, charges against her included "actions against national security" and "cooperation with foreign media"; however, Jazini reportedly said the officers who arrested her and confiscated her personal items described her crime as "being a feminist." On March 1, authorities released her on bail for 100 million toman (\$100,000).

On March 2, police arrested physician and blogger Hesam Firouzi on unknown charges and placed him in Ward 209 of Evin Prison. Firouzi served as physician to many political prisoners. In June judicial authorities reportedly set his bail at 100 million toman (\$100,000); it was unknown whether he was in prison at year's end. Firouzi was previously arrested in March 2009 and served six months of a 15-month prison term for acting against the country's national security, distorting public opinion, distributing lies, and giving refuge and medical treatment to political prisoners.

On November 2, authorities arrested journalist Nazanin Khosravani and charged her with acting against national security. There was no information as to the basis of the charges, and Khosravani's mother reportedly said Khosravani had not been working as a journalist for more than a year. According to media reports, Tehran Prosecutor General Abbas Jafari Dolatabadi warned Khosravani's mother not to conduct media interviews if she wanted to help her daughter. At year's end Khosravani remained in Evin Prison and had been permitted contact with her family only once, via telephone.

There was no update in the March 2009 beating and arrest case of Yasser Torkman, a student at Amir Kabir University and member of the Islamic Students Organization in Tehran; authorities released Torkman on bail in April 2009.

At year's end former government spokesman Abdollah Ramezanzadeh was serving his six-year sentence for "acting against national security." In June 2009 police arrested and seriously beat Ramezanzadeh. He spent 116 days in solitary confinement, 74 of which were incommunicado and without charge, and then appeared at the August 2009 "show trial" (see section 1.e.) and was convicted in December 2009. Ramezanzadeh was incarcerated due to a letter that he cowrote to the head of the judiciary calling for the prosecution of IRGC officials for their role in the June 2009 election and its aftermath.

At year's end Mohammad Mostafaei, a human rights activist who represented the cases of many juveniles sentenced to death as well as that of Sakineh Mohammadi-Ashtiani, a woman sentenced to stoning for adultery, had claimed asylum in Norway. On November 11, media reported that the Islamic Revolutionary Court sentenced Mostafaei in absentia to six years in prison for acting against national security for discussing Mohammadi-Ashtiani's case with foreign-based Farsi-language media. In July and August, authorities detained Mostafaei's wife and brother- and father-in-law in an attempt to get Mostafaei to turn himself in, and the two men faced charges of concealing a suspect at year's end. Mostafaei was originally arrested by plainclothes police officers in June 2009.

On May 16, Clotilde Reiss, a French national teaching assistant formerly employed at Isfahan University, returned to France. In July 2009 authorities arrested Reiss on charges of espionage, and she was present at the August 2009 "show trials" along with French embassy employee Nazak Afshar and British embassy employee Hossein Rassam, who were also charged with espionage and plotting to overthrow the Government. On October 25, an appeals court overturned Rassam's conviction and four-year prison sentence for espionage, substituting a one-year suspended sentence for spreading propaganda against the regime and maintaining a five-year ban against his employment by foreign embassies or organizations. Afshar was released in August 2009 on bail of 500 million toman (\$500,000).

At year's end, authorities released on bail of 500 million toman (\$500,000) one of the U.S. citizens arrested by border guards in July 2009 on the Iran-Iraq border and permitted her to leave the country; the other two remained in Evin Prison. Authori-

ties held the Americans in solitary confinement for extended periods of time during the first months of their detention. Their trial for espionage and illegal entry into the country was scheduled for February 6, 2011.

In November 2009, according to the ICHRI, security forces arbitrarily arrested scores of students throughout the country in an attempt to stifle protests expected on Students' Day, December 7. For instance, on November 3, media reported that authorities had arrested civil activists and student leaders Hasan Asadi Zaidabadi and Mohammad Sadeghi. Zaidabadi was released in December 2009, and Sadeghi was released after 40 days of detention. There was no information as to whether the two were ever tried.

During protests in December 2009 after the death of Grand Ayatollah Hussein-Ali Montazeri and during Ashura celebrations, the ICHRI and IHRV reported that authorities detained between 200 and 1,000 persons, many of whom remained in prison at year's end, some facing death sentences. Death sentences were given to individuals who were accused of moharebeh (see section 1.a.) for participation in Ashura Day protests. On March 17, the ICHRI reported that Revolutionary Court judge Abolqasem Salavati sentenced teacher Abdolreza Ghanbari to death for moharebeh based on his participation in Ashura protests. According to the ICHRI, Ghanbari did not have access to a fair trial nor permission to select a lawyer for his defense. The Prosecutor's Office requested death sentences for at least 11 other individuals arrested during 2009 Ashura celebrations.

There were no reports of Iranian-American journalists arrested during the year; however, in 2009 and previous years, security forces arrested several Iranian-American journalists and academics on charges of espionage and "acting against national security." Prison authorities subjected the activists to harsh interrogation techniques and solitary confinement and in most cases kept them in prison for several months. At year's end one academic was free on bail but not permitted to depart the country.

There were no updates in the 2008 cases of Ebrahim Mirnehad or Dr. Arash Alaei, both whom remained in prison at year's end. Authorities sentenced Mirnehad to five years' imprisonment on charges of "acting against national security" and "spreading propaganda," charges that, according to AI, stemmed from his public condemnation of his brother's execution earlier in the year. Dr. Alaei and his brother, physicians specializing in the prevention and treatment of HIV/AIDS, were found guilty of "cooperating with an enemy government." AI reported that Dr. Kamari Alaei remained in prison at year's end.

Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security laws. Approximately 25 percent of prisoners held in state prison facilities were reportedly pretrial detainees. According to HRW, a judge may prolong detention at his discretion, and pretrial detention often lasted for months.

The Government reportedly put individuals under house arrest without due process in order to restrict their movement and communication. Authorities placed former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi under de facto house arrest during the year. In previous years the Government used house arrest for senior Shia religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy; however, there were no new confirmed instances of this practice since 2009. Grand Ayatollah Montazeri, the most prominent cleric under such restrictions, died in December 2009.

e. Denial of Fair Public Trial.—After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Qur'an, Sunna (the traditions of the Prophet), and other Islamic sources. The constitution provides that the judiciary be "an independent power"; in practice the court system was corrupt and subject to political influence. The constitution provides that the head of the judiciary is a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics.

Islamic revolutionary courts 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 forces. A media court hears complaints against publishers, editors, and writers, including Internet cases.

Trial Procedures.—Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. According to the constitution and 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 that involve major penalties. 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 media court, a council of 11 persons selected by the court adjudicates cases. No defendants in any court had the right to confront their accusers, nor were they granted access to government-held evidence. During the year human rights groups noted the absence of procedural safeguards in criminal trials.

During the year AI, HRW, RSF, and several other human rights groups continued to condemn trials in the revolutionary courts for disregarding international standards of fairness. In August 2009 the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, the special rapporteur on the situation of human rights defenders, and the vice chairperson of the working group on arbitrary detention expressed "serious concern" about the situation of detainees in the country.

The Government often charged individuals with vague crimes such as "antirevolutionary behavior," "moral corruption," "siding with global arrogance," moharebeh, and "crimes against Islam." Prosecutors imposed strict penalties on government critics for minor violations. When postrevolutionary statutes did not address a situation, the Government advised judges to give precedence to their knowledge and interpretation of Islamic law. The head of the judiciary chose revolutionary court judges in part due to their ideological commitment to the system. Secret or summary trials of only five minutes' duration frequently occurred. Other trials were deliberately designed to publicize a coerced confession.

On February 3, a revolutionary court sentenced student activist Mohammad Amin Valian to death in a group trial for moharebeh for allegedly having thrown three stones and shouted "death to the dictator!" during a December 2009 Ashura protest. Government officials arrested Valian on January 12, after Damghan University's Basij student publication published an article about him. Authorities denied repeated requests from his family on his whereabouts, and according to ICHRI they only said he was held in a "special location." According to the same report, he was also denied access to counsel. On May 15, an appeals court rejected the revolutionary court decision and sentenced him to a three-and-one-half years' imprisonment and a fine of 300,000 toman (\$300). As of September authorities had granted Valian conditional release.

At year's end the ICHRI reported that approximately 600 inmates remained on death row in Vakilabad, with the majority convicted for narcotics-related crimes. Some inmates reported that they had been tortured and forced to make confessions but that judges ignored their claims of physical coercion.

In August 2009 the Tehran Revolutionary Court convened the first of a series of televised mass trials for more than 100 opposition politicians and activists detained after the June 2009 election; the opposition referred to them as show trials. Among those on trial were senior proreform politicians, lawyers, and journalists, including former vice president Muhammad Ali Abtahi; journalist and former interior ministry official Muhammad Atrianfar; intellectual and prodemocracy activist Saeed Hajjarian, reportedly tortured in detention (see section 1.c.); filmmaker and Newsweek reporter Maziar Bahari (see section 2.a.); an Iranian-American academic; and Mohsen Mirdamadi, the leader of the largest reformist party, the Islamic Iran Participation Front. The prosecution accused the defendants of fomenting a "velvet revolution," acting against national security, and having ties to British spies. Authorities did not permit any of the defendants access to legal counsel prior to the trial. Some of those charged read aloud "confessions" in which they denounced former colleagues and declared there had been no fraud in the election. There were allegations that several defendants, including Abtahi and opposition candidate Mousavi supporters Mostafa Tajzadeh, Abdollah Ramezanzadeh (see section 1.d.), and Mohsen Aminzadeh, underwent "massive interrogation" in Evin Prison.

At year's end Sakineh Mohammadi Ashtiani awaited execution for alleged adultery and murder while her son and lawyer remained imprisoned. In 2006 after having already been convicted and punished with 99 lashes for involvement in her husband's murder, a court sentenced Ashtiani to death by stoning for adultery. According to the NGO Women Living Under Muslim Laws, two judges declared her not guilty based on the lack of evidence in the case, but the other three judges found her guilty based on "divine knowledge of the judge" (*elm-e ghazi*), a legal provision that allows judges to make a ruling in the absence of conclusive evidence. On September 8, a Foreign Ministry representative declared that the stoning sentence had been suspended but suggested she might still be hanged on charges related to her husband's murder. Human rights groups maintained that Ashtiani's confession was coerced and decried the lack of due process in this case. One of Ashtiani's lawyers, Mohammed Mostafaei, sought asylum in Norway during the year (see section 1.d.).

Opposition groups continued to question the legitimacy of the special clerical court system. The court is headed by a scholar in Islamic law and is capable of ruling

on legal matters through independent interpretation of Islamic legal sources. Clerical courts, which investigate alleged offenses and crimes by clerics and which the supreme leader directly oversees, are not provided for in the constitution, and they operated outside the domain of the judiciary. According to a 2007 AI report, defendants could be represented only by court-nominated clerics who are not required to be qualified lawyers. According to the AI report, in some cases a defendant was unable to find a cleric willing to act as defense counsel and was tried without legal representation. Critics alleged that clerical courts were used to prosecute clerics for expressing controversial ideas and for participating in activities outside the sphere of religion, such as journalism or reformist political activities.

On December 6, the special clerical court summoned Mohammad Mehman Navaz, a supporter of Ayatollah Boroujerdi (see section 1.d.).

Political Prisoners and Detainees.—Statistics regarding the number of citizens imprisoned for their political beliefs were not available, but human rights activists estimated the number in the hundreds. Approximately 500 democracy activists and journalists were in detention in Evin Prison alone at year's end. According to opposition press reports, the Government arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual offenses were reportedly political. The Government charged members of religious minorities and others with crimes such as "confronting the regime" and apostasy and followed the same trial procedures as in cases of threats to national security. During the year the Government rounded up students, journalists, lawyers, and political activists to silence them or prevent them from organizing protests.

Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they could order them to return to prison at any time. Suspended sentences often were used to silence and intimidate individuals. The Government also controlled political activists by temporarily suspending baseless court proceedings against them and allowing authorities to rearrest them at any time, and it attempted to intimidate activists by calling them in repeatedly for questioning. The Government issued travel bans on former political prisoners; for instance, authorities continued to prevent former political prisoner Siamak Pourzand from leaving the country to receive medical care and to join his wife, also a former political prisoner, and family abroad.

Authorities routinely held political prisoners in solitary confinement for extended periods and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse in detention. The Government did not permit international humanitarian organizations or UN special rapporteurs access to political prisoners.

The Government imprisoned persons throughout the year for political reasons (see sections 1.a. through 1.e. and section 7.a.), including minority activists (see section 6). Human rights organizations reported that 21 Kurdish political prisoners faced execution and 44 Baha'i remained in prison at year's end. The Government also reportedly held some persons in prison for years under charges of sympathizing with terrorist groups such as the MEK.

On February 28, an appeals court upheld 10-month prison sentences for three student activists from Babol Norshirvani University (Mohsen Barzegar, Iman Sadighi, and Nima Nahvi) and one-year suspended sentences for Hamid Reza Jahantigh, Hessam Bagheri, Siavash Salimi Nejad, and Ali Taghipour. The students, most of whom were also banned from educational institutions for one to five years, were convicted of "actions against national security" and "propagation against the regime," based on their alleged planning of and participation in protests and contacts with antigovernment entities. Authorities conditionally released Barzegar and Sadighi on July 17, but on November 9, police rearrested Barzegar at his home prior to National Students Day, allegedly without a warrant (see section 2.b., Freedom of Association). Nahvi remained in prison at year's end.

On May 5, Revolutionary Court Branch 28 sentenced Bahareh Hedayat, a prominent student activist, to two years in prison for "insulting the supreme leader," six months for "insulting the president," and five years for "actions against national security, propagation of falsehoods, and mutiny for congregation." An earlier suspended sentence of two years in prison for participating in a women's rights protest was added to make Hedayat's total sentence nine and one-half years in prison. In July Appellate Court Branch 24 upheld her sentence. In late December authorities reportedly presented her with new charges of "disturbing public opinion" based on a letter she wrote from prison on National Students Day. At year's end Hedayat was serving her sentence in Evin Prison where authorities had recently banned her visitors "until further notice."

On August 8, the Supreme Court rejected Jafar Kazemi's death sentence appeal. Authorities arrested Kazemi, an editor and publisher of academic books at Amir

Kabir University, during the 2009 election protests and reportedly tortured him physically and psychologically during his detention. His interrogators allegedly threatened to arrest his wife and children if he did not confess. Kazemi was convicted of moharebeh and sympathy with the MEK, but he pled not guilty. At year's end Kazemi awaited execution.

On September 4, authorities summoned Nasrin Sotoudeh, a prominent human rights lawyer and women's rights activist, to Evin Prison where they arrested her on charges of "propaganda against the state," "a conspiracy to disturb order," and cooperation with Nobel Peace Prize laureate Shin Ebadi's Defenders of Human Rights Center (DHRC). Shortly after her detention, Sotoudeh went on a 70-day hunger strike to protest her treatment, including solitary confinement. On December 27, authorities presented more charges against her, including "not wearing the hijab [headcovering]" and "not observing Islamic standards of conduct." At year's end she remained in solitary confinement and weakened from her hunger strike. During questioning, her interrogators reportedly told her they controlled the length of her sentence, which would be at least 10 years.

On April 20, Branch 26 of the Revolutionary Court sentenced Mahdieh Golrou, student activist and member of the Advocacy Council for the Right to Education, to two years and four months in prison for association with the MEK. She began serving the sentence immediately, along with a suspended one-year sentence for her activities related to educational rights. In late December authorities reportedly presented her with new charges of "disturbing public opinion" based on a letter she wrote from prison on National Students Day. Golrou suffered from intestinal problems during her continuing imprisonment in Evin Prison.

On January 26, a revolutionary court sentenced Shabnam Madadzadeh, a member of the Islamic Association and deputy general secretary of the student organization Tahkim Vahdat, and her brother Farzad Madadzadeh to five years' imprisonment for moharebeh and propaganda against the state, and in June an appeals court upheld the sentence. Their lawyer, Mohammad Oliyaefard, was not present as he was serving a sentence for speaking out about another client, a juvenile executed for a murder allegedly committed when he was 17 years old. Authorities arrested the Madadzadehs in February 2009, and officials in Ward 209 of Evin Prison allegedly beat and whipped Farzad in front of Shabnam to coerce her to confess. Human rights groups reported during the year that Shabnam suffered from digestive ailments and heart problems and that she lacked medical care. The Madadzadehs remained in Gohardasht Prison at year's end.

At year's end Abdolfattah Soltani, a prominent human rights lawyer and DHRC spokesperson, continued to face a pending court case for security-related charges. In June 2009 authorities arrested him without a warrant and held him for 72 days without charges, including 17 days in solitary confinement, until his release in August 2009.

On December 29, an interrogator known as "Mahdavi" reportedly informed Ebrahim Yazdi's wife that authorities had transferred the ailing former foreign minister and the secretary-general of the Freedom Movement of Iran to a safe house in a military zone. Authorities detained 80-year-old Yazdi at least three times since the June 2009 elections, once when he was in an intensive care hospital ward. During one of his imprisonments, Yazdi spent 50 days in solitary confinement. On October 1, officials arrested Yazdi in a private home in Isfahan for allegedly participating in "illegal prayer" while he attended the memorial service for the daughter of a friend. His wife was allowed to visit him only after he had been jailed for 40 days. Yazdi was recovering from bladder cancer surgery as well as heart surgery, and his family believed his life is in danger because of the physical and psychological strains of prison, lack of medical care, and unsanitary conditions.

During the year Abdollah Momeni continued to serve a four and one-half-year prison sentence for disseminating propaganda against the country by transmitting news of street protests and colluding to harm national security. In June 2009 police arrested Momeni, spokesperson for the Alumni Association of Iran (Advar-e Tahkim Vahdat), a legally registered political organization, and authorities sentenced him in November 2009 after he appeared at the fifth session of the "show trials." AI reported that authorities used as evidence against him Momeni's "contacts" with AI and HRW. In August he wrote a letter to Supreme Leader Khamenei in which he detailed the physical and psychological abuse he had endured at Evin Prison including severe beatings and suffocations to the point of unconsciousness during interrogations, interrogators holding his head in a full toilet bowl, solitary confinement for 86 days, and repeated threats of rape and imminent execution. Momeni also said his interrogators forced him to practice false confessions before his trial.

As of July 7, Naseh Faridi remained free pending an appeal of his January 7 sentence to six years in prison and 74 lashes for allegedly passing information to the

MEK on account of his activities in the SCDPP, including interviews with foreign media. On June 29, authorities released Azeri minority activist Ali Bikas from Evin Prison after an appeals court acquitted him of all charges. Authorities arrested the two SCDPP members in June 2009 and tried them in the “show trials” later that year.

At year’s end there had been no verdict announced in the mid-October revolutionary court trial of Mohammad-Ali Dadkhah, a member of the Center for Defending Human Rights and an attorney for several political activists. In July 2009 police arrested Dadkhah at his office and charged him with meeting with “foreign enemies.” HRW reported that at the time of his arrest he was meeting with colleagues to discuss the judiciary’s proposal to restrict the independence of the bar association. Dadkhah remained free on a 500 million toman (\$500,000) bail at year’s end.

In March authorities released an Iranian-American academic on bail of 800 million toman (\$800,000) but continued to prevent him from leaving the country at year’s end. In July 2009 authorities first arrested him on charges of espionage based on his association with the Open Society Institute, which the Government had previously approved. He appeared before the “show trials” in August 2009 and in October 2009 was sentenced to 15 years in prison, later reduced to five years by an appellate court.

As of November 16, former university student Misagh Yazdan-Nejad was seriously ill with a respiratory illness, unable to walk or eat. Gohardasht Prison authorities reportedly refused to grant him leave to undergo surgery. In September 2009 a revolutionary court sentenced Yazdan-Nejad to 13 years’ imprisonment for participating in a 2007 demonstration. The Government had previously executed three of Yazdan-Nejad’s uncles and imprisoned both his parents on political grounds. At year’s end there were no further updates on Yazdan-Nejad’s status.

In September 2009 a reformist Web site reported that police detained Mohammad Ozlati-Moghaddam, head of opposition leader Mousavi’s veterans’ affairs committee, following a search of his home; he was held for an unknown length of time. On November 15, a reformist Web site reported that security agents had again arrested Ozlati-Moghaddam, and his status was unknown at year’s end.

On March 16, authorities released economist and journalist Saeed Leylaz from prison on bail of 500 million toman (\$500,000) to seek medical treatment. In December 2009 authorities sentenced Leylaz to nine years in prison, later reduced to five, for allegedly maintaining ties with foreigners and working to overthrow the Government.

At year’s end Emadaddin Baghi, founder of the Committee for the Defense of Prisoners’ Rights, was incarcerated in Evin Prison, serving a six-year sentence for “propaganda against the system” and “colluding against the security of the regime” in relation to an interview with the late Grand Ayatollah Montazeri and a one-year sentence for his work advocating for prisoners’ rights. A revolutionary court also banned him from participating in political activity for five years. In December 2009 authorities arrested Baghi and detained him for 180 days. Authorities imprisoned Baghi on previous occasions since 2000 for his activities as a journalist and his campaigns against the Government’s execution of juvenile offenders.

At year’s end Kurdish and women’s rights activist Zeinab Bayazidi continued serving a four-year sentence for acting against national security. Security forces arrested her in 2008; she was reportedly tried behind closed doors without access to an attorney of her choosing. According to human rights organizations, Bayazidi went on a hunger strike in July to protest a prison official’s treatment of several female prisoners.

At year’s end Abbas Khorsandi, a political activist and founder of the Iran Democratic Party, an Internet forum for political debate, remained in Evin Prison, where authorities reportedly prevented him from seeing a doctor despite his poor health. In 2008 a Tehran revolutionary court upheld an eight-year prison sentence against Khorsandi for “acting against national security through formation of an illegal association.” During the year Khorsandi’s family repeatedly expressed concern about his poor health, especially his heart disease, but the Government made no response.

There were no updates in the following 2008 cases; all individuals were believed to be in prison at year’s end: writer and student leader Amin Ghazaini Tehran; human rights lawyer Saleh Kamrani; Hadi Qabel, reformist cleric and member of the reformist political group Islamic Iran Participation Front; and Office for Consolidating Unity spokesman Ali Nikunesbati.

Ayatollah Mohammad Kazemeini Boroujerdi remained in Evin Prison despite appeals for his release on medical grounds. Human rights groups claimed he had been in solitary confinement without access to an independent lawyer since his 2006 arrest. Prior to Boroujerdi’s arrest, the Government had increased pressure on him for his belief that religion and the state should be separate.

Political prisoner Behrouz Javid-Tehrani, who spent four years in prison for his activities during the 1999 student uprising and was sentenced in 2005 to seven more years in prison following a secret trial without legal representation, remained in prison at year's end. At the time of the most recent conviction, Javid-Tehrani was in solitary confinement in Gohardasht Prison in Karaj, where he alleged security agents severely tortured him on numerous occasions.

Civil Judicial Procedures and Remedies.—By law the judiciary is independent from the executive and legislative branches; in practice it remained under the influence of executive and religious government authorities. According to the constitution, the Court of Administrative Justice, under the supervision of the head of the judiciary, investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice citizens had limited ability to sue the Government. Citizens were not able to bring lawsuits against the Government for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts.

Property Restitution.—The constitution allows the Government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law, and the Government particularly targeted religious minorities, especially members of the Baha'i faith. During the year there were reports that authorities destroyed several Sufi libraries containing sacred texts and took over nursing homes and hospitals connected to Sufi orders.

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," but the Government routinely infringed on this right. 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, and/or ransacked the homes and offices of reformist activists and journalists in an attempt to intimidate them.

For example, on several occasions during the year government security forces raided the home and offices of human rights attorney Nasrin Sotoudeh (see section 1.e., Political Prisoners), confiscating her computer and cell phone, along with those belonging to her husband and children, and many of her clients' files.

On September 16, government security forces raided the office of former presidential candidate Mir Hossein Mousavi and confiscated computers and other property (see section 3).

Unlike in 2009, there were no reports that Basij forces carried out nightly raids throughout Tehran, destroying public property, entering homes, and beating civilians in an attempt to stop nightly protest chants. However, there were some reports that Basij forces raided universities in February to stop protesters.

During the year vigilantes continued to attack young persons considered "un-Islamic" in their dress or activities, invade private homes, abuse unmarried couples, and disrupt concerts. In May according to press reports, authorities launched an intensified campaign to enforce the mandatory hijab and issued a list of acceptable men's hairstyles. According to press reports, morality police have stopped or detained more than two million individuals since 2007 for inappropriate hairstyles (usually related to the length of men's hair or beards) or bad hijab.

There were reports during the year that the MOIS arrested and harassed family members of political prisoners and human rights activists, banning them from speaking to foreign media or traveling abroad, blocking their telephone conversations, making false criminal charges against them, and blocking their access to higher education.

From early February to March 9, authorities detained Saleh Nogherehkar, the nephew of former presidential candidate Mir Hossein Mousavi and the head of the legal team for Mousavi's campaign, in Evin Prison, reportedly to intimidate Mousavi and his wife.

Throughout the year authorities issued statements threatening to arrest Mehdi Hashemi on corruption charges, the expatriate son of influential cleric and former president Akbar Hashemi Rafsanjani. Some human rights organizations alleged these threats were retaliation for Rafsanjani's criticism of the Government after the 2009 postelection protests.

On January 13, authorities released from prison Nushin Ebadi, a professor of dentistry and sister to Nobel Prize-winning human rights lawyer and activist Shirin Ebadi. Intelligence officers arrested Nushin, who was not involved in human rights issues and did not participate in any of the postelection protests, in December 2009.

There were also reports that authorities threatened and arrested family members of expatriates who posted critical comments about the country on social networking

Web sites such as Facebook. According to media accounts, an Iranian-American studying abroad reported in 2009 that he received an e-mail warning him that his relatives in Iran would be harmed if he did not delete an online petition he had created relating to the imprisonment in Iran of a human rights activist; he claimed that security agents arrested his father two days later and held him briefly.

Authorities occasionally entered homes to remove satellite television dishes, which are illegal in the country.

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 the words are 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. There were no basic legal safeguards for freedom of expression, and the Government—notably the judiciary—arbitrarily enforced censorship measures against the independent press. Government censorship and self-censorship limited dissemination of information during the year. The Government frequently threatened and jailed journalists as a consequence of their work. It also closed the offices of the journalists’ union in August 2009.

Individuals could not criticize the Government publicly or privately without reprisal, and the Government actively sought to impede criticism.

On December 19, according to RSF, intelligence officials in civilian dress arrested Fariborz Rais Dana, an economist and a member of the board of directors of the country’s writers’ association. Other sources noted that Dana’s arrest occurred shortly after his interview with BBC Persian in which he criticized the Government’s subsidy reform policies. At year’s end there were no updates in his case, and his whereabouts were unknown.

The Government held significant influence over all media in the country. 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 reporters and media outlets, and private media lacked independence in practice. Journalists who failed to abide by government guidelines faced intimidation, arrest, or closure of their publications. The Government required foreign correspondents to provide detailed travel plans and topics of proposed stories before it granted visas, and it attempted to influence them to garner more favorable coverage. The Government’s Press Supervisory Board (PSB) was responsible for issuing press licenses, which it sometimes revoked in response to articles critical of the Government, and for examining complaints filed against publications or individual journalists, editors, or publishers.

According to Article 175 of the constitution, private broadcasting is illegal. The Government controlled and maintained a monopoly over all television and radio broadcasting facilities through a state-controlled entity, the Voice and Vision Organization. Radio and television programming—the principal source of news for many citizens, especially in rural areas—reflected the Government’s political and socioreligious ideology. Foreign programs such as BBC Persian and Voice of America were subject to government jamming. Satellite dishes that received foreign television broadcasts were forbidden, and the Government periodically confiscated them from homes. For instance, according to opposition websites, police began confiscating satellite dishes from rooftops in Tehran ahead of the February 11 anniversary of the Islamic revolution. However, most satellite dishes in individual homes reportedly continued to operate.

During the year the Government detained, jailed, tortured, or fined numerous publishers, editors, and journalists (including Internet media) for their reporting. RSF reported that 37 journalists remained in detention as of December 20. The penal code states that “anyone who undertakes any form of propaganda against the state” can be imprisoned for 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 January 8, according to the CPJ, authorities arrested Mostafa Dehghan, a freelance journalist who wrote about social issues for several newspapers and the women’s rights Web site, Change for Equality, and detained him in Evin Prison’s Ward 209. According to PBS Frontline, he remained in prison as of December 10, and there was no evidence that authorities had charged him with any crime.

On February 1, security officials beat and arrested Abolfazl Abedini Nasr, a reporter for Bahar Ahvaz, in his home in Ramhormoz and transferred him to Evin Prison, where he reportedly underwent harsh torture during interrogation, resulting in severe heart damage. On April 4, Branch 1 of the Revolutionary Court in Ahvaz

sentenced him to 11 years in Karoun Prison in Ahvaz for association with foreign governments, membership in HRAI, and “propaganda against the regime” based on his interviews with foreign media. On April 13, Abedini collapsed in and was admitted to the prison clinic, according to AI. On August 19, HRAI reported that prison authorities had banned Abedini from leaving his cell until further notice, preventing him from visiting the prison clinic to receive regular required medical treatment. There was no information about Abedini’s status at year’s end, and he remained in prison.

On February 9, according to the CPJ, authorities arrested Ali Malihi, a journalist for Etemad, Irandokht, Shahrvand-e-Emruz, and Mehrnameh, and a revolutionary court tried and sentenced him to four years in prison for “congregation and mutiny against the regime,” “propagation against the regime,” “participation in illegal gatherings,” “publication of falsehoods,” and “insulting the president.” As of October 1, authorities reportedly had not permitted him to meet with his lawyer except during court proceedings. The CPJ reported he was held in solitary confinement in Evin Prison and went on at least one hunger strike to protest his treatment.

On March 2, authorities rearrested journalist and activist Mahboubeh Karami, the fifth time she was arrested in the last three years (see section 6, Women).

From June 12 until his December 22 release on 500 million toman (\$500,000) bail, authorities detained Abdolreza Tajik, who writes for reformist newspapers Fath, Bonyan, Bahar, and Shargh, in Evin Prison. This was Tajik’s third arrest since the disputed June 2009 elections. At year’s end he faced charges of “propagation against the regime” in connection with his membership in the DHRC, according to news reports. His sister, Parvin Tajik was also sentenced to 18 months in prison for pursuing her brother’s case.

On July 28, a court sentenced Mostafa Kazzazi, the publisher of banned reformist daily Seda-ye Edalat, in absentia to 11 months in jail on charges of “propaganda against the Islamic regime” and inciting unrest. He was in prison at year’s end.

In October authorities arrested two German reporters while they were interviewing the family of Sakineh Mohammadi Ashtiani (see section 1.e.). At year’s end the two reporters remained in custody.

On at least two occasions in December, police officials raided the offices of reformist daily Sharq and arrested editor in chief Ahmad Gholami, managing director Ali Khodabakhsh, and reporters Kayvan Mehregan, Amir Hadi Anvari, Rayhaneh Tabatabaee, and Mehran Faraji. Local news sites reported that Tehran’s general and revolutionary courts prosecutor Abbas Jafari Dolatabadi said the arrests were based on “security charges.” Authorities reportedly released Gholami, Khodabakhsh, and Anvari on bail before year’s end, but Mehregan, Tabatabaee, and Faraji reportedly remained in prison. According to press reports, an unidentified Sharq journalist said authorities raided the newspaper offices because of an upcoming Students’ Day issue.

On December 9, Branch 28 of the Tehran Revolutionary Court sentenced Mashallah Shamsolvaezin, head of the journalists’ association and a prominent reform journalist, to 16 months in prison for “insulting the president” and “weakening” the Government based on interviews he gave to international media. At year’s end it did not appear as though his sentence had begun.

There were updates in several cases from previous years.

On October 9, the Tehran Revolutionary Court sentenced Saeed Razavi-Faghih, a former editorial writer for several reformist newspapers and former member of the Office of Consolidating Unity (a reformist student organization), in absentia to four years’ imprisonment and 74 lashes for antiregime propaganda, participating in illegal gatherings, and insulting the supreme leader, and it summoned him to Evin Prison to begin his sentence. In January 2009 security agents confiscated his passport when he returned to the country from France, where he had been studying since 2004. At year’s end he remained in prison.

On February 1, an intelligence court summoned Alireza Saghafi and held him until February 14. Saghafi, who edited the magazine Rah Ayandeh until authorities closed it in 2008, was sentenced to three years in prison. In January an appeals court confirmed the one-year suspended prison sentence for Amir Yaghoubali, a journalist for the daily Etemad for “activities against national security” and “disturbing public order” based on his writings. Authorities arrested the two journalists along with several others in May 2009 during International Workers Day demonstrations.

According to RSF, authorities arrested more than 100 journalists after the June 2009 election, and 30 others fled the country, the largest exodus of journalists since the 1979 revolution.

Mohammad Ghouchani, a journalist and editor in chief of the banned Etemad Meli daily, who was detained from June through October 2009, reported that intelligence agents continued to harass him during the year.

In January a court sentenced journalist and editor of Khorade-no Bahman Ahmadi-Amoe to seven years in prison and 34 lashes, reduced in March by an appeals court to five years' imprisonment. There was no information as to whether the lashing sentence was upheld. After a brief visit home, Ahmadi-Amoe began serving his sentence in Evin Prison on May 30. He remained in prison at year's end. On June 8, the 26th Chamber of the Tehran Revolutionary Court sentenced his wife Jila Baniyaghoub to one year in prison and banned her from working as a journalist for 30 years, reportedly due to her writings related to election events and women's rights, and October 25 press reports stated that an appeals court had confirmed the verdict. Baniyaghoub's lawyer said there was no legal basis for the 30-year journalism ban. In June 2009 authorities arrested the two journalists in their home. Authorities reportedly prevented Ahmadi-Amoe's access to legal counsel and held him in solitary confinement for 65 days; his lawyer had no access to any government evidence against him.

On May 10, Branch 26 of the Revolutionary Court sentenced Iranian-Canadian Newsweek reporter Maziar Bahari in absentia to 13 years in prison and 74 lashes for conspiring against the state for his presence at postelection protests, possession of "secret" documents based on a public court document relating to arrests, propagandizing against the system, insulting the supreme leader by implying that he was a dictator, disrupting public order by reporting on a clash between protesters and Basij forces, and insulting the president. Authorities arrested Bahari in June 2009 and held him until they permitted him to leave the country in October. Bahari remained in outside the country at year's end.

At year's end despite serious health problems, journalist and member of the Committee for Human Rights Reporters Hengameh Shahidi continued to serve her six-year sentence in Evin Prison for participating in postelection demonstrations and "spreading propaganda against the holy Islamic Regime," based on an interview with the "antirevolutionary" BBC. On October 28, authorities reportedly granted medical leave to Shahidi, originally arrested in June 2009, but returned her to prison on November 14 with no explanation.

At year's end journalist and blogger Shiva Nazar Ahari was free pending the start of her sentence for four years' imprisonment and 74 lashes based on her political and journalistic activities. In December 2009 authorities arrested her and two of her colleagues from the Committee for Human Rights Reporters as they were headed to Qom for Grand Ayatollah Montazeri's funeral; she remained in prison until released on bail on September 12. On January 20, security forces released her colleague, Nasrin Vaziri, after detaining her for almost a month.

According to international media, authorities released Syrian national Reza al-Bacha on January 10. He was arrested in December 2009 while reporting on demonstrations.

On October 15, authorities released Kalemeh Sabz editor Alireza Behshtipour Shirazi on a bail of 5 million toman (\$5,000) pending trial for "acting against national security." The editor was arrested in December 2009.

In December the CPJ reported that writer and journalist Mostafa Izadi remained in prison.

There was no information as to the status of journalist Mohammad-Hossein Falahiezadeh, whom authorities transferred to Evin Prison's medical clinic due to his critical health situation in September 2009. Falahiezadeh had served his 2008 prison sentence for reporting on street protests by members of the Ahvazi Arab minority, but MOIS officials reportedly stated his release was contingent on meeting bail, which he could not afford.

During the year the Government banned, blocked, closed, and censored publications that were critical of the Government. The media law forbids government censorship, but it also forbids disseminating information that it considered damaging to the Government. Government officials also routinely intimidated journalists into practicing self-censorship. Public officials often lodged criminal complaints against reformist newspapers; the PSB referred complaints to the media court for further action, including closure and fines. The court conducted its hearings in public with a jury of appointed clerics, government officials, and editors of government-controlled newspapers. Some human rights groups asserted that the increasingly conservative media court assumed responsibility for cases before PSB consideration. The Government censored both reformist and conservative newspapers after they published articles contradicting the official line, and it permanently closed others during the year, including more than 10 national publications including Etemad, the country's largest circulation reformist daily, and the weekly Irandokht magazine.

(early March), Shahrvand-e Emrouz (November 8), Chelcheragh (November 20), and Shargh (December 8). The following papers banned in 2009 remained so: Kalameh Sabz, Etemad-e Melli, the business newspaper Sarmayeh, and Hayat-e no.

According to an August 18 ruling by the Ministry of Culture and Islamic Guidance allegedly obtained by an opposition group, the publication ban on any news or information related to opposition figures Mehdi Karroubi and Mir-Hossein Mousavi and former president Mohamad Khatami continued.

In December 2009 according to RSF, the Ministry of Culture and Islamic Guidance issued a directive banning print and Internet articles about cleric Grand Ayatollah Montazeri, a critic of the Government who died on December 19. At year's end the ban remained in effect.

At various times in 2008, government officials advised reporters not to use the names of unauthorized political parties and to "censor pages which are likely to create a dispute," observing the country's "religious, moral, and national sensitivities."

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.—NGOs reported that the Government continued to increase control over the Internet during the year as more citizens used it as a source for news and political debate. According to 2010 Internet World Stats, approximately 43 percent of the country's inhabitants used the Internet.

The Government monitored Internet communications, especially via social networking Web sites such as Facebook, Twitter, and YouTube, and collected individuals' personally identifiable information in connection with peaceful expression of views. The Government threatened, harassed, and arrested individuals who posted comments critical of the Government on the Internet; in some cases it reportedly confiscated their passports or arrested their family members (see section 1.f.). Freedom House and other human rights organizations reported that authorities sometimes stopped citizens at Tehran International Airport as they arrived in the country, asked them to log into their YouTube and Facebook accounts, and in some cases forced them to delete information.

On February 10, the country's telecommunications agency announced that it had permanently suspended Google's e-mail service; however, "G-mail" services continued throughout the year and were only periodically interrupted.

All Internet service providers (ISPs) must be approved by the Ministry of Culture and Islamic Guidance. The Government also required all owners of Web sites and blogs in the country to register with the Ministry of Culture and Islamic Guidance; in practice, this regulation was rarely enforced. The Press Law and penal code both apply to electronic media, and the PSB and judiciary used such laws to close Web sites during the year. The Government also used filtering software to block access to domestic blogs on all sides of the political spectrum and some Western Web sites, reportedly including the Web sites of prominent Western news organizations and NGOs. According to RSF the Government blocked access to thousands of Web sites during the year, and in some cases ISPs redirected computer users from opposition Web sites to progovernment news sites.

The Government also censored Web site content to control citizens' access to information. According to Freedom House, content from opposition leaders' Web sites was deleted during the year. The Government also imposed limits on Internet speed and technology, making it difficult to download Internet material or to circumvent government restrictions to access blocked Web sites. According to multiple sources the Government's ability to censor the Internet improved during the year. Internet NGOs reported that the Government was attempting to block Internet users' access to circumvention technology. According to RSF, the Committee in Charge of Determining Unauthorized Web Sites—which included representatives from the Ministry of Communications and Information Technology, the Ministry of Culture and Islamic Guidance, the Ministry of National Security, and the Tehran Public Prosecutor's Office—determined blocking criteria.

During the periods prior to the anniversary of the Islamic Revolution (February 11), the anniversary of the 2009 presidential election (June 12), and Students' Day (December 7), authorities slowed Internet access and blocked access to Facebook and Twitter.

During the year the Government prosecuted and punished persons for peaceful expression of dissenting views via the Internet.

On February 25, authorities issued a 91-day prison sentence for blogger Mohammad Esmaealzadeh for "insulting the supreme leader," and Esmaealzadeh served the sentence during the year. According to ICHRI, the Babol prosecutor's office awarded him a four day furlough in April ostensibly attend his child's birth, although he was not allowed to leave the town of Babol and travel to Karaj where his family lived.

From June 20 until his temporary release on bail on August 9, authorities detained Hamed Saber, a freelance photographer, after he posted photographs he took of Tehran street protests on photo-sharing Web sites such as Flickr and Picasa. There were no updates on his case at year's end.

On September 18, according to RSF, eight intelligence ministry officials entered student blogger Navid Mohebbi's home and arrested him. Authorities released him from Sari Prison on December 25 after a revolutionary court sentenced him to a three-year suspended sentence. He was charged with membership in and support for the One Million Signatures Campaign (see section 6, Women), acting against national security, propaganda against the state through connection with foreign media, insulting the founder of the Islamic Republic, and insulting the supreme leader. Mohebbi's trial took place behind closed doors; not even his lawyer attended.

There were developments in several cases from previous years.

In July the Second Branch of the Ghazvin Revolutionary Court reportedly sentenced blogger and physician Ali Asghar Jamali, to three years' imprisonment for insulting the supreme leader and antiregime propaganda. Jamali, who defends workers' rights, wrote a blog called Dr. Social-Democrat. According to cyberdissidents.org, at year's end he remained in jail.

At year's end Mohammad Nourizad, originally arrested in December 2009, remained in Evin Prison serving a three-year sentence (see section 1.c.).

There was no evidence of any government investigation into the March 2009 death of 25-year-old blogger Omid Reza Mirsayafi in the medical ward of Evin Prison, reportedly due to an overdose of a medication he received from the prison clinic for depression. In 2008 a Tehran revolutionary court sentenced Mirsayafi to 30 months in prison for propaganda against the state and criticism of the supreme leader.

Internet journalist and cleric Mojtaba Lotfi continued to serve a four-year prison sentence imposed in 2008 for posting online a sermon by Grand Ayatollah Montazeri, a well-known opponent of Supreme Leader Khamenei, that criticized President Ahmadi-Nejad's claim that Iran was "the world's freest country." According to RSF, Lotfi suffered from lung problems stemming from Iran-Iraq war injuries.

In September a court sentenced well-known blogger and dual Iranian-Canadian citizen Hossein Derakhshan to 19 and one-half years in prison and a five-year ban from political or journalistic activities. At year's end he reportedly remained in Evin Prison pending appeal. Authorities arrested Derakhshan in 2008 while he was visiting the country and allegedly subjected him to psychological and physical abuse in detention, according to the NGO HRAI.

Blogger and women's rights activist Shahnaz Gholami was in asylum in France at year's end. On April 3, IHRV reported that Branch 2 of the Revolutionary Court in Tabriz sentenced her to eight years in prison for publishing articles considered devoid of truth, spreading propaganda against the regime, and alleged MEK membership. Gholami was arrested in 2008 for publishing "propaganda" and "jeopardizing national security."

There were no updates in the case of bloggers Omid Memarian, Roozbeh Mirebrahimi, Shahram Rafizadeh, and Javad Gholamtamimi, sentenced in February 2009 to prison terms of up to three years, fines, and flogging despite the judiciary head's admission that the bloggers' confessions were coerced. Memarian, Mirebrahimi, and Rafizadeh were sentenced in absentia as they remained abroad at year's end; Gholamtamimi continued to reside in the country during the year. The four were originally arrested in 2004.

Academic Freedom and Cultural Events.—The Government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism, including by banning independent student organizations, imprisoning student activists, purging faculty, depriving targeted students from enrolling or continuing their higher education based on political affiliation or activism (see section 3), and banning social sciences and humanities curricula. Authorities continued to dismiss university professors in accordance with a 2006 presidential call for the removal of secular and liberal professors. To obtain tenure, professors had to refrain from criticism of authorities.

In August the director of the Office of Development of Higher Education announced that the Government would begin restricting the number of students admitted to humanities programs at universities, and in October authorities placed restrictions on social sciences education, barring universities from opening new departments of law, philosophy, management, psychology, political science, women's studies, or human rights. The Government also announced it would revise at least 70 percent of the existing social sciences curricula, and there were reports that the changes had begun at year's end.

Also in October the supreme leader declared the private financial endowment of Azad University was religiously illegitimate, leading the way for a potential government takeover. Azad University, supported by former President Rafsanjani, has hundreds of branches in Iran and several outside the country. Azad University's main branch in Tehran was a major site for the June 2009 election protests.

According to AI, in October 2009 authorities banned from teaching five prominent law professors from Alameh Tabataba'i University's law school. Local news reports noted that the professors taught human rights courses at the university.

The Government censored cultural events with stringent controls on cinema and theater and a ban on some foreign music. On June 1, the Government announced a ban on music education in private schools, already banned in public schools, and on August 3, media reported that the supreme leader advised against the practice and teaching of music in general, although music continued in the media at year's end. The Government monitored cultural associations and continued to crack down on underground music groups, especially those it considered inspired by Satan, such as heavy metal or similar foreign music. Authorities banned broadcasting of certain singers' music and certain songs from government-owned radio stations for unspecified reasons.

Throughout the year there were reports that security forces raided recording studios and underground concerts. In May police raided an underground concert outside of Tehran and arrested 80 individuals for being improperly dressed and for drinking alcohol. In November Tehran police reportedly arrested male and female members of an underground rap group for "immoral" and "un-Islamic" behavior and for drinking alcohol. There was no information at year's end about the status or whereabouts of those arrested in either case.

On July 21, President Ahmadinejad established the High Council for Cinema to conduct the country's cinema policy, and the group reportedly held its first meeting on December 30. As the main source of production funding, the Government 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.

On March 1, plainclothes police officers raided the home of award-winning film director Jafar Panahi and arrested him along with his wife and daughter, film director Mohammad Rasulov, and 15 other individuals, most of whom were released a few days later. According to some sources, Panahi and Rasulov were working together to make a documentary about the 2009 postelection protests. On December 20, a court convicted Panahi and Rasulov with participating in a gathering and making propaganda against the regime and sentenced them both to six years in prison, and Panahi also to a 20-year ban from making films, writing scripts, giving interviews, and traveling abroad. At year's end both filmmakers remained free pending the outcome of their appeals. Most of Panahi's films are banned in the country.

In September Culture Minister Sayyed Mohammad Hosseini publicly criticized the country's annual film festival for supporting the Green Movement. The Ministry later revoked the production license for Asghar Farhadi's film *Separation* of Nader and Simin. Farhadi was permitted to resume production in October.

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. During the year authorities arrested, tried, and imprisoned individuals who participated in demonstrations since 2006.

The Government continued to prohibit and forcibly disperse peaceful demonstrations during the year. Paramilitary organizations such as Ansar-e Hizballah also harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students.

According to a February ICHRI release, authorities collected photographs of expatriate citizens in protest gatherings outside the country. When those citizens entered or left the country via Imam Khomeini International Airport in Tehran, security officials temporarily detained them for questioning.

On December 7, students held peaceful demonstrations at various universities in the country, including Qazvin Azad University, Tehran Polytechnic University,

Gilan University, and the Tehran School of Art, to protest the restrictions on humanities studies (see section 2.a., Academic Freedom and Cultural Events), as well as the imprisonment of students. Paramilitary Basij forces responded by breaking up gatherings and detaining dozens of students.

In a global study released on February 5, the UN special rapporteur on torture stated that the June 2009 election protests “were met with excessive violence by the police and government militias.” He said he received “credible allegations” of the killing of at least 12 students participating in the protests and pointed at agents of the Revolutionary Guards, paramilitary Basij, and State Security Force as employing “extreme force to suppress protesters by opening fire during demonstrations and using pepper spray and batons to disperse demonstrations.”

In September an appeals court rejected the appeal of Mohammad Tavakoli, charged with “gathering,” “collusion against the regime,” “propagating against the regime,” and “insulting the supreme leader and the president.” At year’s end he was serving his eight and one-half-year prison term in Ward 3 of Gohardasht Prison in Karaj. The ICHRI reported that he had no access to his lawyer during his imprisonment or trial. In February 2009 authorities arrested approximately 20 participants in a ceremony commemorating the life of Mehdi Bazargan, the first prime minister appointed after the 1979 revolution. The group included Tavakoli and at least three other men from Tehran Polytechnic (Amir Kabir) University’s Islamic Students Association—Esmail Salmanpour, Hossein Torkashvand, and Koroush Daneshyar—who reportedly were detained in Ward 209 of Evin Prison. All the detainees except Tavakoli were believed to be free at year’s end. On December 5, prior to Student Day, authorities arrested Esmail Salmanpour and held him for two weeks.

In February 2009 more than 1,500 Amir Kabir University students demonstrated against the Government’s plan to reburial soldiers from the Iran-Iraq War on university grounds. According to AI, security forces arrested four Amir Kabir University students, Abbas Hakimzadeh, Mehdi Mashayekhi, Nariman Mostafavi, and Ahmad Qasaban, along with 70 other students during the demonstrations. Authorities later released 40 of the students. There was no information regarding the status of the remaining detained students at year’s end.

Freedom of Association.—The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, 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. The Government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members. According to a January 2009 HRW report, under the Ahmadi-Nejad administration, municipal, provincial, and national councils—established by 2005 regulations ostensibly to facilitate NGOs’ permit process—instead served to suppress NGO activities. Such councils generally denied NGOs’ applications without written explanation, especially in minority regions, where those who successfully obtained permits nevertheless faced harassment (see section 6, National/Ethnic/Racial Minorities).

In November according to the Wall Street Journal, plainclothes agents without warrants arrested four of the five new central committee members of the Office for Fostering Student Unity (Tahkim-e Vahdat), a politically active student group, immediately after the group’s elections were held. The group said the Government pressured it not to hold the elections. Authorities released Ali Qolizadeh, Alireza Kiani, and Mohamad Heydarzadeh by early December, but as of December 7, Mohsen Barzegar remained in Evin Prison without access to family or a lawyer. The Ministry of Science, Technology, and Research declared Tahkim-e Vahdat illegal in 2009. On October 31, Raja News, a Persian-language Web site HRW believes is affiliated with the Intelligence Ministry, ran an article accusing several Tahkim-e Vahdat members of having ties with the MEK. Tahkim-e Vahdat rejected these allegations.

Throughout the year the Government reportedly continued to exert significant pressure on the DHRC, a Tehran NGO headed by Nobel Peace Prize laureate Shirin Ebadi (see section 5).

The journalists’ union and other labor-related groups also continued to face problems during the year (see section 7).

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, and emigration, and repatriation. The Government placed

some restrictions on these rights. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

The Government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The Government also restricted foreign travel of some religious leaders and individual members of religious minorities and scientists in sensitive fields, and it increasingly targeted journalists, academics, opposition politicians, and activists—including women's rights activists—for travel bans and passport confiscation during the year. The Government banned travel to Israel, but this ban was reportedly not enforced.

There were no updates on the travel bans on prominent attorney Naser Zarafshan, academic Mehdi Zakerian, DHRC deputy Narges Mohammadi, and peace activist Sorayra Azizpanaha.

In March, Simin Behbehani, a renowned Iranian poet, was barred from boarding a flight to France. Authorities questioned her and confiscated her passport. At year's end, authorities continued to bar her from leaving the country.

On December 20, a court sentenced filmmaker Jafar Panahi, who was restricted from travel in October 2009, to six years in prison (see section 2.a., Academic Freedom and Cultural Events).

A woman must have 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 she leaves the country.

The Government did not use forced external exile, but it used internal exile as a punishment. 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 economic.

Protection of Refugees.—The country's laws provide means for granting asylum or refugee status to qualified applicants, and the Government reportedly had a system for providing protection to refugees, but the UNHCR did not have any information as to how the country made asylum determinations. The Government did not consistently provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Unlike in the previous years, there were no reports of registered refugees included in mass deportations.

As of March, according to information provided by the country's Bureau for Aliens and Foreign Immigrants' Affairs, 1,065,000 refugees were registered with the authorities, of whom approximately 1,021,600 were Afghans and 43,800 were Iraqis. Approximately 70 percent of the Afghan refugees and their children had lived in the country for 20 to 30 years. There were 3,590 Iraqis registered with the UNHCR at year's end. The UNHCR assisted with the voluntary repatriation of Afghan refugees under a tripartite agreement between the Islamic Republic of Iran, Afghanistan, and the UNHCR, which came back into force on June 28 after three years of suspension.

Twenty-two of 30 provinces were partially or fully closed to refugees; therefore, authorities generally required registered Afghan refugees in these "No-Go Areas" to choose either to relocate to refugee settlements, sometimes in other parts of the country, or to repatriate. However, the UNHCR noted that some of these refugee settlements needed rehabilitation. The limited number of resettlement locations is a major constraint for the UNHCR to assist refugees with relocation within the country. Of the 7,922 Afghans who repatriated from January 1 to November 7, the vast majority said they were under pressure to return due to the Government's No-Go Areas policy.

According to the UNHCR, the Government's reregistration campaign launched in 2008 to assist male refugees to obtain work permits enabled more refugees to work in the country. The law allows only male refugees to work, but UNHCR has in the past provided limited assistance to female refugees.

In July 2009 according to the UNHCR, the Government announced a policy to treat the enrollment of all school-age children, including lawful foreign residents and registered refugees, in the same manner. However, at year's end there was no information available about how the new policy was enforced. According to 2009 reports, more than a quarter of primary-school-aged refugees were not enrolled in school. The U.S. Committee for Refugees and Immigrants reported in 2008 that Afghan refugee children were charged fees to attend school, while Iraqi refugee children were able attend public school for free. In some cases, local government offi-

cials reportedly suspended education services for refugees to encourage them to repatriate.

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

The constitution provides citizens the right to peacefully change the president and the parliament through free and fair elections, but the authority of unelected representatives over the election process severely abridged this right in practice. The Assembly of Experts elects the supreme leader, the recognized head of state, who may be removed only by a vote of the assembly. The supreme leader exercises influence over the Government appointments of the 12 clerics and religious jurists who make up the Guardian Council. The Guardian Council then approves the list of candidates for the Assembly of Experts, whose 86 members must also be clerics, who serve eight-year terms and are chosen by popular vote. There was no separation of state and religion, and clerical influence pervaded the Government. The supreme leader also approved presidential candidates.

Elections and Political Participation.—In June 2009 the country held its 10th presidential election, which outside observers regarded as neither free nor fair. International observers were not allowed entry to monitor the election results. The Guardian Council approved only four candidates out of more than 450 prospective candidates, including 42 women and former officials. No women were approved to run as candidates. Authorities increased censorship and surveillance during the campaign, blocking cell phone signals and access to social networking and opposition Web sites. The Government also reportedly harassed and arbitrarily arrested political activists, members of the country's religious and ethnic minority communities, students, trade unionists, and women's rights activists during the preelection period.

For example, in April 2009 authorities detained Mehdi Mo'tamedi Mehr, a member of the Committee to Defend Free, Healthy, and Fair Elections and the banned political organization the Freedom Movement of Iran, after the committee published a statement about civil society institutions as election observers. In December 2009 according to local press reports, the MOIS summoned Mehr and other members of the Freedom Movement, and at year's end they remained in detention.

In May 2009 authorities detained Emad Bahavar, also a member of the Freedom Movement, for "spreading propaganda against the system" by campaigning for presidential candidate Mousavi. According to IHRV, he was released 96 hours later. He was detained again in June 2009 and was released after 46 days in solitary confinement. Nine months later on March 7, Bahavar defended himself at a trial for his June 2009 detention and was immediately arrested. On November 29, Bahavar was convicted of "assembly and collusion to act against national security," "propagating against the regime," and "insulting the leader." He was sentenced to a 10-year prison term and a 10-year ban on any political activity. At year's end he remained in Evin Prison.

Anecdotal evidence suggested that authorities forced some election observers representing opposition candidates to leave polling stations and that millions of unused paper ballots went missing. Before all polls closed and ballot counting had commenced, government-controlled media announced that President Ahmadi-Nejad had been reelected in the first round of elections, obtaining a majority of the votes. Contrary to the election law, Supreme Leader Ayatollah Khamenei approved the election results before the Guardian Council certified the election and before the Interior Ministry announced the final results. Independent analysts studied election data and concluded there were a number of irregularities, including at least two provinces showing a turnout of more than 100 percent and the absence of long-standing regional variations in turnout, which appeared abnormal despite regulations that allow Iranians to vote at any polling station. According to official government data, President Ahmadi-Nejad took not only all former conservative voters, all former centrist voters, and all new voters, but also up to 44 percent of former reformist voters, a scenario analysts questioned.

The constitution allows for the formation of political parties, although the Interior Ministry granted licenses only to parties with ideological and practical adherence to the system of government embodied in the constitution. There were more than 240 registered political organizations that generally operated without restriction or outside interference, but most were small entities, often focused around an individual, and did not have nationwide membership. Members of political parties and individuals with any political affiliation that the Government deemed unacceptable faced harassment, violence, and sometimes imprisonment.

In 2009 both former presidential candidates experienced raids on their homes and offices. Specifically, in early September militants believed to be connected to the

Government repeatedly targeted the home of former presidential candidate Mehdi Karroubi in consecutive evening attacks. On September 16, security forces raided the office of former presidential candidate Mir Hossein Mousavi.

In March Minister of Science, Research, and Technology Kamran Daneshjoo said that only those who have proven commitment to Islam and the "rule of the jurispudent" (*velayat-e-faghih*) can teach or study at universities, and during the year the Government continued to dismiss professors and ban students from higher education institutions based on their political affiliations or actions. According to the ICHRI, university officials dismissed or forced the retirement of at least 50 university faculty members during the year for their affiliation or support of the Green Movement. For example, in August the Ministry of Science suddenly dismissed Yousef Sobouti, head of the Institute for Advanced Studies in Basic Sciences in Zanjan Province, allegedly for political reasons, and replaced him with a scientist reportedly known to have links with the Basij militia. Following calls for an investigation into the dismissals and retirements, various members of the parliament called for a review; however, at year's end, no formal investigation had been launched.

The two leading reformist political parties, Islamic Iran Participation Front and the Islamic Revolution Mujahedin Organization, were banned in September.

Admission to universities was politicized; in addition to standardized examinations, all applicants had to pass "character tests" in which officials eliminated applicants critical of the Government's ideology. According to a December ICHRI report, there were at least 70 such cases during the year. Basij members were given advantages in the admissions process. During the previous three years, according to the ICHRI, government interference with university admissions considerably increased.

Authorities relied on university disciplinary committees to suspend, transfer, or expel enrolled students based on social and political activism, involvement in student publications, or participation in student associations. Student groups reported that a "star" system inaugurated by the Government in 2005 to rank politically active students was still in use. Students deemed antigovernment through this system reportedly were prevented from registering for upcoming terms. Repeated suspensions through this mechanism resulted in effectively denying the rights of targeted students to complete and continue their studies.

During the year Ministry of Intelligence agents used threats, intimidation, and arrests to silence students who attempted to seek accountability and legal justification for their deprivation from higher education.

For instance, during the year a disciplinary committee at Qazvin International University expelled Payam Heydar Ghazvini, who was in the last term of his theology and law studies, and banned him from any university for three years. Ghazvini was the head student campaigner for opposition presidential candidate Mehdi Karroubi in Qazvin Province.

Also during the year the Central Disciplinary Committee expelled Kazem Rezaee from Shiraz University, where he was studying mechanical engineering. Rezaee was editor in chief of the student publication *Farvardin* and was arrested four times for his student activism between 2007 and 2009.

In November the Ministry of Science confirmed the expulsion of Kaveh Daneshvar from Babol's Noshirvani Industrial University. Daneshvar went on a hunger strike in 2009 to protest the arrests of Babol University's student activists during the post-election events.

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; 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); and as certain types of judges (see section 6, Women). On December 20, President Ahmadi-Nejad appointed Farahnaz Torkestani to a vicepresidential cabinet post as head of the National Youth Organization. Women also served as the vice presidents of legal affairs and science and technology and as the health minister. Twelve women served in the Majles during the year.

Five Majles seats were reserved for 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.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the Government did not implement the law effectively, and official corruption and impunity remained a serious and ubiquitous problem in all three branches of government. In a Sep-

tember interview with state media, former prosecutor general Ayatollah Abdolnabi Namazi alleged that judiciary officials were under pressure not to pursue corruption charges against cases referred to the Committee to Fight Economic Corruption. Many officials expected bribes for providing even routine service. Individuals routinely bribed officials in order to obtain permits for illegal construction.

According to a May report by the Foundation for Defense of Democracies' Iran Energy Project, the supreme leader continued to transfer a large portion of the country's commerce, industry, oil and gas, and services sectors to the IRGC. In recent years the Government gave control over state enterprises to the IRGC through the granting of special privileges. IRGC companies were large enough to underbid competitors and were generally favored in the bidding process for large contracts. In October the IRGC was awarded a road-building contract of 15 trillion toman (\$15 billion), the largest in the country's history. According to the report, the IRGC does not answer to either the executive or legislative branches with regard to its economic activities and does not publish any records or reports about its revenues. Under a 1993 decree, all of the IRGC's economic activities are exempt from taxation. The IRGC is also widely considered to control the vast majority of the underground and black market economy. Up to 80 percent of illegal goods enter the country through unregistered ports and jetties controlled by the IRGC.

According to Freedom House, the hardline clerical establishment also grew wealthy through its control of bonyads, tax-exempt foundations that monopolize many sectors of the economy such as cement and sugar production. Bonyads receive benefits from the Government but are not required to have their budgets publicly approved.

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 officials obeyed the law.

Numerous government agencies existed to fight corruption, including the Anticorruption Headquarters, the Anticorruption Task Force, the Committee to Fight Economic Corruption, and the General Inspection Organization.

In late January according to media reports, intelligence agents arrested 15 individuals in Karaj, including the mayor and three city council members, under embezzlement charges. The cases of the detained were forwarded to the Karaj public prosecutor, but there was no further information regarding the case at year's end.

On December 20, the judiciary announced that First Vice President Mohammad Reza Rahimi would face corruption charges. In April members of parliament had publicly accused Rahimi of corruption. Rahimi denied the charges. At year's end there were no updates about the status of the charges, and Rahimi remained in his position.

There were no developments related to the February 2009 National Audit Office report that revealed that the Oil Ministry had not returned 1.2 trillion toman (\$1.2 billion) in oil revenues to the treasury or to the November 2009 parliamentary commission's criticism of the Government's recent privatization efforts, which concluded that the Government essentially gave the national telecommunications company to the IRGC.

There were no laws providing for public access to government information.

Section 5. 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 activists and sometimes responded to their inquiries and reports with harassment, arrests, monitoring, unlawful raids, and closures (see also sections 1.d., 1.e., 2.a., 6, and 7). 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."

Hundreds of domestic NGOs focused on issues such as health and population, women's rights, development, youth, environmental protection, human rights, and sustainable development, despite the restrictive environment, including pressure not to accept foreign grants. NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. According to various sources, 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.

During the year the Government prevented human rights defenders, civil society activists, journalists, and scholars from traveling abroad (see section 2.d.). Human rights activists reported receiving intimidating phone calls and threats of blackmail from unidentified law enforcement and government officials. Government officials

routinely harassed and sometimes arrested family members of human rights activists (see section 1.f.). 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.

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 June according to the ICHRI, a government intelligence official traveled with the NGO delegation to the UN Human Rights Council's Universal Periodic Review (UPR) of the country and reviewed statements made by the NGOs.

Throughout the year the Government reportedly continued to exert significant pressure on the DHRC, a Tehran NGO headed by Nobel Peace Prize laureate Shirin Ebadi, and it systematically harassed and arrested lawyers affiliated with the organization. On October 30, Branch 15 of the Revolutionary Court sentenced Mohammad Seifzadeh, a lawyer and one of DHRC's founders, to nine years in prison and a 10-year ban on practicing law for "acting against national security" by establishing the DHRC. Seifzadeh told the ICHRI that his trial occurred behind closed doors.

In 2009 a Basij-student mob attacked Ebadi's offices and home, and the Government pressured at least two of the DHRC's employees to resign; prevented several DHRC members from traveling outside the country; arrested and detained a DHRC secretary for 55 days; regularly summoned DHRC members for interrogation; and warned individuals not to attend the DHRC's gatherings, some of which police dispersed. On January 12, authorities released Ebadi's sister, Nushin, a professor of dentistry, after 17 days in detention. Nooshin reportedly also faced threats of dismissal from her university job.

Despite numerous appeals, including from the UN, 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 EU's human rights dialogue with the country.

The International Committee of the Red Cross and the UNHCR both operated in the country with some restrictions. 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, but none since 2005. The Government generally ignored recommendations these bodies made and failed to submit required reports to the UN Human Rights Committee or the UN Committee on Economic, Social, and Cultural Rights. The Government ignored repeated requests for visits by UN special rapporteurs.

A February 5 global study by the UN special rapporteur on torture and other similar practices stated that there were "credible" allegations that the country's security forces used excessive force against peaceful demonstrators and committed politically motivated torture following demonstrations.

In a March 11 interview with Radio Free Europe (RFE), then UN special rapporteur on torture Manfred Nowak said he was "really concerned about the situation" in the country, including allegations of torture in prisons following the 2009 elections, but that the Government would not permit him to visit and investigate the claims.

In June the UN Human Rights Council reviewed the country's human rights record as part of the UPR process. The Government rejected 45 of the 189 UPR recommendations, including concerns over torture, the lack of due process, and independence of civil society. Mohammed Javad Larijani, chief of the country's High Council for Human Rights, said human rights activists were "inciting violence."

On October 29, for the eighth consecutive year, the UN General Assembly adopted a resolution expressing concern about the country's "serious ongoing and recurring human rights violations." High Council for Human Rights head Larijani said the resolution was "illegal" and was designed to undermine "constructive interaction between [his government] and the UN Human Rights Council."

The Governmental High Council for Human Rights has not conducted formal investigations into post-election abuses. Larijani, the council's head, is the brother of Ali Larijani, speaker of the parliament, and Sadeq Larijani, head of the judiciary.

Section 6. 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 did not effectively enforce these prohibitions.

Women.—Rape is illegal and subject to strict penalties including the death penalty, but it remained a problem. There were reports of government forces raping individuals in custody (see sections 1.a., 1.c., and others). Spousal rape is not illegal. Cases of rape were difficult to document due to social stigma against the victims. Most rape victims did not report the crime to authorities because they feared societal reprisal such as ostracism or punishment for having been raped. According to the penal code, rape is a capital offense, and four male witnesses or a combination of three male and two female witnesses are required for conviction. A woman or man found making a false accusation of rape is subject to 80 lashes.

The law does not specifically prohibit domestic violence. Spousal abuse and violence against women occurred. According to a study published in 2008 using 2005 data, 52.7 percent of women reported being physically abused during their married lives. A study published in 2009 using data from 2006 reported that half of the secondary students interviewed had witnessed spousal abuse in their families. A survey of women with infertility from August 2009 to January 2010 revealed that approximately 62 percent had experienced domestic abuse because of their infertility. Most women said their abuse was psychological; 22 percent of women had experienced physical or sexual abuse because of infertility. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude, particularly by the “One Million Signatures for the Repeal of Discriminatory Laws” (also known as OMSC and “Change for Equality”) campaign. Some nongovernmental shelters and hotlines assisted victims during the year.

There is no law prohibiting “honor” killings, although no cases were documented during the year. The law permits a man to kill his adulterous wife and her consorts if he is certain she consented. Women convicted of adultery may also be sentenced to death, including by stoning. According to a police official quoted in a domestic newspaper in 2008, 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.

There was no update on the February 2009 case where a father killed his 16-year-old daughter for suspicious activity; the 2008 cases of a man known as Ahmad, who allegedly killed his daughter after her former brother-in-law kidnapped and slept with her; or Morteza, who allegedly killed his sister after she married a man without her family’s permission.

There was a lack of reliable data on the prevalence of sexual harassment in the country. Media reports indicated that unwanted physical contact and verbal harassment occurred. Government officials, however, often blamed women’s sexuality for problems in society; for example, on April 16, cleric Kazem Sadighi said, “many of the ladies who do not have a proper appearance cause the hearts of the youth to be swayed and they become defiled by sin, and this leads to the spread of adultery in society, which increases earthquakes.” There are laws addressing sexual harassment in the context of physical contact between men and women. Physical contact between unrelated men and women is strictly prohibited and is punishable by lashing.

The 1993 family planning law recognizes the basic right of married couples to decide freely and responsibly the spacing and timing of their first three children and have the information and means to do so free from discrimination, coercion, and violence. According to the law, health and maternity benefits are cut for the family after three children. Local clinics and rural health centers disseminated information on family planning under the guidance of the Ministry of Health and Medical Education. There were no restrictions on the right of married persons to access contraceptives. According to the Population Reference Bureau, nearly 80 percent of married women of reproductive age used family planning methods, 75 percent of whom used modern methods of contraception. Couples who plan to marry must take a class in family planning. According to the UN Children’s Fund (UNICEF), the 2008 adjusted maternal mortality ratio was 30 per 100,000 live births. According to UNICEF, 97 percent of women gave birth with a skilled attendant present. Men and women received equal access to diagnosis and treatment of sexually transmitted infections, including HIV. However, women tested less regularly than men because of social stigmas attached to doing so.

The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with

Islam. Provisions in the Islamic civil and penal codes, particularly sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the Government replaced those laws that provided women with increased rights in the home and workplace with a legal system based largely on Shari'a practices. In March 2009 President Ahmadi-Nejad instructed the relevant bodies to implement a law in which women's share of their husband's inheritance would increase to one-fourth from the previously stipulated one-eighth of his property. At year's end there was no information on the law's implementation. The Governmental Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women's issues to matters related to the home. Women cannot directly transmit citizenship to their children or to a non-Iranian spouse (see section 6, Children).

Although a man (or boy) can marry at age 15 without parental consent, the law states that a virgin woman or girl 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 man after a simple religious ceremony and a civil contract outlining the union's conditions. *Sigheh* wives and any resulting children 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.

A woman has the right to divorce only if her 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. These laws were not enforced. According to a study by the National Organization for Civil Registration, quoted in a book by a women's rights activist, more than 89 percent of women did not receive their due alimony, and 9 percent did not receive their share of the wedding gift (wedding contracts traditionally stipulate that in case of divorce the groom give his bride the wedding gift for financial support). The law provides divorced women preference in custody for children up to age seven; divorced women who remarry are forced to give the child's father custody. After the child reaches age seven, the father is entitled to custody (unless the father has been proven unfit to care for the child). The court determines custody in disputed cases.

Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences (see sections 1.a. and 1.e., Trial Procedures). 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, and approximately 65 percent of university students were women. Government officials acknowledged 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 women's professional opportunities. Women were represented in many fields, including the legislature, municipal councils, police, and firefighters, but a woman must seek her husband's consent before working outside the home. According to a 2009 World Economic Forum report, the unemployment rate for women, who constituted 33 percent of the workforce, was 15.8 percent, compared with 9.3 percent for men. Cultural discrimination remained a factor; one member of parliament suggested that banning women from the workplace could solve the country's unemployment problems. Women cannot serve in many high-level political positions or as judges, except as consultant or research judges without the power to impose sentences.

On November 17, Khadijeh Azadpour, who won a gold medal in martial arts at the Asian Games, told the local press that authorities told her she would only receive a promised apartment if she were married. Previously, she said she was promised an apartment if she won a gold medal.

The Government enforced gender segregation in most public spaces, including for patients during 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 a woman who appears in public without an appropriate hijab can be sentenced to lashings and fined. However, absent a clear legal definition of "appropriate hijab" or the punishment, women were subject to the opinions of disciplinary forces or judges. Pictures of uncovered or immodestly dressed women in the media or in films were often digitally altered.

In August a controversial family law that would make polygamy more permissive was reintroduced to the parliament. Women's groups successfully lobbied to table the bill in 2008; the bill would allow men to take additional wives without the first

wife's permission, tax women's dowries, and remove conditions for the registration of temporary marriages.

The Government continued its intense crackdown against members of the OMSC, which activists launched in 2006 to promote women's rights, particularly by advocating reform of discriminatory laws. Several members of the OMSC remained under suspended prison sentences and travel bans, were in prison, or were in self-imposed exile at year's end.

On March 2, authorities rearrested Mahoubeh Karami and searched her house. IRGC officials took her to Evin Prison where according to the ICHRI she remained for 80 days. She reportedly suffered abuse during interrogation, including being hit on the head with a water bottle. According to her brother, her charges stemmed from her membership in OMSC and her support for the DHRC. On August 18, according to press reports, a court sentenced her to four years' imprisonment for membership in a prohibited organization and spreading of propaganda against the state, but at year's end she was free on bail of 500 million toman (\$500,000).

In March according to the Human Rights House of Iran, the Branch 15 of the Revolutionary Court acquitted Khadijeh Moghaddam on two counts of propaganda activity against the regime and disobeying police orders but sentenced her to a one-year suspended prison term for assembly and conspiracy with intent to act against national security.

In March 2009 security forces detained Moghaddam for approximately one month along with 11 other members from OMSC and the NGO Mothers for Peace—Delaram Ali, Leila Nazari, Farkhondeh Ehtesabian, Mahboubeh Karami, Bahara Behravan, Ali Abdi, Amir Rashidi, Mohammad Shoorab, Arash Nasiri Eghbali, Soraya Yousefi and Shahla Forouzanfar—as the group met to make traditional Nowruz (New Year) visits to families of several political prisoners. The ICHR suggested that security and intelligence forces must have eavesdropped on activists' private communications to apprehend them. Judge Matin Rasekh charged the 12 with “disturbing public opinion” and “disrupting public order,” and they were transferred to Section 209 of Evin Prison under MOIS control. All 12 were released on bail in June 2009.

On December 5, local news reported that authorities arrested Hakimeh Shokri at at Behesht Zahara Cemetery along with several other mothers who were celebrating the birthday anniversary of Amir Arshad Tajmir, one of the protesters killed during the 2009 Ashura protest. They were gathered at Behesht Zahra Cemetery and were arrested. At year's end Hakimeh was transferred to Evin Prison and charged with “espionage” and “acting against national security”; the other women were released.

There were no developments in the case of Maryam Malek, detained for several weeks in April 2009 and charged with “propaganda against the system” in connection with her OMSC membership.

On December 29, authorities summoned Maryam Bidogli and Fatemeh Masjedi to report to prison to serve their one-year sentences for membership in a feminist organization. In May 2009 authorities in Qom arrested the OMSC members, along with the male author of *The Women's Movement in the East*, Gholamreza Salami. Intelligence agents searched homes of both women and took personal belongings. According to news reports, the women had previously been investigating an honor killing.

In January and February, authorities released the activists reportedly arrested in December 2009, including Zohre Tonkaboni and Mahin Fahimi, members of Mothers for Peace; and OMSC members Atiey Youseffi, Somayeh Rashidi, and Mansourreh Shojaaiei. There were no other updates available in any cases related to these women.

There were no developments reported in the case of Mehri Moshrefi, sentenced in January 2009 along with her husband to a two-year suspended sentence. In 2008 authorities arrested Moshrefi, her husband, and two of her children at a cemetery where One Million Signatures was staging a protest and transferred them to Evin Prison despite activists' claims that the family was not involved in the gathering.

As of July Ronek Safazadeh remained in Sanadaj Prison. In April 2009 a court sentenced her to six years in prison for spreading propaganda about the Government in relation to her distribution of One Million Signatures pamphlets in 2007 and membership in the armed opposition group Free Life Party of Kurdistan, with which her lawyer maintained she was only marginally involved.

Children.—Citizenship is derived by descent when a child is born to a citizen father regardless of the child's country of birth. In general birth within the country's borders does not confer citizenship, except when a child is born to unknown parents; when both parents are noncitizens, but at least one parent was born in the country; or when a child born to noncitizens continues to reside in the country for at least one year after age 18. The birth registration law requires that all births be registered within 15 days. The responsibility for implementing birth registration law

falls to the Ministries of Justice, Interior, and Foreign Affairs. According to UNICEF, despite efforts to register rural births, 13 percent of births were not reported in 2005.

Although primary schooling up to age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas for girls than for boys. More than 25 percent of refugee children of primary school age were not enrolled in school.

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. In May the Government announced that approximately 150,000 cases of child abuse had been recorded in the six months prior, and a prominent attorney added that the Government did little to address the problem. According a 2005 study by 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, but it was reportedly not unusual in rural areas for parents to have their children marry before they became teenagers, often for economic reasons. The age of criminal responsibility for girls is nine years, while the law does not consider boys criminally responsible until age 15; thus, if a 12-year-old girl accuses a 14-year-old boy of rape, the 12-year-old girl would face any criminal penalties alone. Sex outside of marriage is illegal and is punishable by death, although media reported that the common punishment was imprisonment and lashing.

In November 2009 according to the Mehr news agency, the leader of the student Basij organization, Mohammad Saleh Jokar, announced that 6,000 Basij units would be created in the country's elementary schools. Jokar said the action aimed to expand and promote Basij and revolutionary ideals among young persons. He added that approximately 4.5 million students and 320,000 teachers were members of the Basij. An RFE report noted that the Basij also began a program to register baby girls for later training in the Basji Hossein Haj Mousaee Basij unit. The report also discussed "resource centers" being built at elementary schools to prepare children to join the units.

There were reportedly significant numbers of children working as street vendors in Tehran and other cities and not attending school. International media sources reported there were as many as 250,000 street children in the country.

International news reported on the plight of children of imprisoned mothers. According to State Prisons Organization regulations, children could stay in prison with their mothers until the age of three; according to a report by the Association for Defending Prisoners' Rights, children sometimes stayed through the age of six.

In March authorities reportedly released child and women's rights activist Maryam Zia, arrested in December 2009, on bail of 30 million toman (\$30,000) due to health concerns and, according to some press reports, a 13-day hunger strike. In September Branch 28 of the Revolutionary Court sentenced Zia to one year in prison for propaganda against the regime.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—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," created a threatening atmosphere for the 25,000-person Jewish community. Government officials continued to make anti-Semitic statements, organize events during the year designed to deny the Holocaust, and sanction anti-Semitic propaganda. The Government also limited distribution of nonreligious Hebrew texts and required Jewish schools to remain open on Jewish Sabbath.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities. The law also provides for state-funded vocational education for persons with disabilities, but according to domestic news reports, vocational centers were confined to urban areas and were unable to meet the needs of the entire population. Building accessibility for persons with disabilities remained a widespread problem. The Welfare Organization of Iran is the principal governmental agency charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and

in schools; in practice minorities did not have equal rights, and the Government consistently denied their right to use their language in school. The Government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluch, for arbitrary arrest, prolonged detention, and physical abuse. These groups reported political and economic discrimination, particularly in their access to economic aid, business licenses, university admissions, permission to publish books, and housing and land rights. The Government blamed foreign entities, including a number of governments, for instigating some of the ethnic unrest.

In January 2009 HRW released a report documenting government persecution of the 4.5 million Kurds in the country, who have frequently campaigned for greater regional autonomy. The report documented the Government's use of security laws, media laws, and other legislation to arrest and persecute Kurds solely for exercising their right to freedom of expression and association (see section 1.e., Political Prisoners and Detainees). According to the report, the Government consistently banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. Although the Kurdish language is not banned, schools did not teach it. Authorities suppressed legitimate activities of Kurdish NGOs by denying registration permits or bringing spurious charges of security offenses against individuals working with such organizations. Kurds were not allowed to register certain names for their children in official registries.

IHRV reported that two Kurdish students who passed entrance exams for graduate school in 2009 were denied admission based on their ethnicity.

There were no developments in the case of Jebraeil Khosravi, sentenced in January 2009 to a 20-year prison term for membership in an illegal organization. At year's end he was believed to remain in Bandar-Abbas Prison.

In November authorities reportedly released Kurdish writer Abbass Jalilian, who goes by the name "AKO," upon completion of his 15-month sentence for espionage.

On May 9, the Government executed by hanging Farrad Karmangar, fellow Kurdish activists Ali Heydarian and Farhad Vakili, and two other political prisoners at Evin Prison (see section 1.a.). Authorities originally arrested the three men in 2006 because of their human rights activism.

Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of two to four million in the country's southwest encountered 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 allegations that in September 2009 IRGC intelligence officers raped two female activists.

In October 2009 relatives of seven men sentenced to death for killing a clergy member in Ahvaz told local human rights organizations that authorities had tortured them to coerce confessions.

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. Nonetheless, Azeris complained that the Government discriminated against them, banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed a number of Azeri political prisoners had been jailed for advocating cultural and language rights for Azeris. The Government charged several of them with "revolting against the Islamic state."

On April 2, approximately 10,000 Azeris demonstrated near Lake Urmia, located between the provinces of West Azerbaijan and East Azerbaijan, to protest the Government's lack of attention to the drying out of the lake. The protesters also demanded the preservation of Azerbaijan's cultural heritage. Authorities arrested more than 100 demonstrators.

On May 25, intelligence officials arrested Akbar Azad, an Azeri author and journalist, at his home in Tehran. After his arrest, security forces searched his home and confiscated his computer, books, and personal property. At year's end he remained in detention.

On August 1, two to three thousand Azeris reportedly demonstrated for the right to be educated in Azeri Turkish and to condemn discrimination against their community. According to the RFE report, Basij militants broke up the demonstration and arrested at least 12 individuals.

On August 25, the brother of Azeri activist Youssef Soleiman reported that prison authorities abused his brother (see section 1.c.).

In May 2009 media sources reported that 16 ethnic Azeris were injured during clashes with police in the city of Tabriz and 15 demonstrators were arrested. Protests also took place in the town of Orumiyyeh and in Tehran. The demonstrations

commemorated riots of 2006 in Tabriz and other cities protesting a newspaper caricature depicting Azeris as cockroaches.

Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year. Baluch journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution. In 2008 authorities executed Baluch journalist and education activist Yaghoob Mirnehad in Zahedan for alleged membership in the militant group People's Resistance Movement of Iran (formerly Jundallah), which the Government considers a terrorist group.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The Government censored all materials relating to lesbian, gay, bisexual, and transgender (LGBT) issues. In 2008 President Ahmadi-Nejad called homosexual activity an “unlikable and foreign act” that “shakes the foundations of society.”

The Special Protection Division, a volunteer unit of the judiciary, monitored and reported “moral crimes.” The law prohibits and punishes homosexual conduct; sodomy between consenting adults is a capital crime. According to a December HRW report, security forces used discriminatory laws to harass, arrest, and detain individuals they suspected of being gay. In some cases security forces raided houses and monitored Internet sites for information on LGBT individuals. Those accused of sodomy often faced summary trials, and evidentiary standards were not always met. The punishment of a non-Muslim gay man or lesbian was harsher if the gay man or lesbian's partner was Muslim. Punishment for homosexual behavior between men was more severe than for such behavior between women.

The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The Government provided grants of as much as 4.5 million toman (\$4,500) and loans of as much as 5.5 million toman (\$5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social persecutions in the country.

The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country.

On April 25, according to press reports, police found a 24-year-old transgender woman known as Mahsa strangled in her apartment. Mahsa had previously undergone male to female sex-change operations. Her two brothers confessed to killing her on moral grounds. Although the brothers were sentenced to prison time of eight years and three years, respectively, the sentences included suspended jail time, which reduced their actual sentence in prison to three years and one year, respectively.

In July according to HRW, a Tabriz court issued an execution order for Ebrahim Hamidi, who was originally charged at age 16 with raping a minor. After the victim retracted his accusation, the court acquitted three other defendants but convicted Hamidi of sodomy based on *elm-e ghazi*. According to his lawyer, Mohammed Mostafaei, officials tortured Hamidi into signing his confession. HRW reported four other men in the country were in danger of execution for sodomy.

According to the HRW report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some LGBT persons were expelled from university for allegations of homosexual activities. The HRW report also alleged that Basij forces attempted to entrap for arrest persons engaged in homosexual behavior.

On July 10, officers raided a private party in Shirza and arrested 17 gay men. According to a local NGO the charges against the men were eventually dropped.

Other Societal Violence or Discrimination.—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. Government hospitals diagnosed and treated AIDS patients free of charge.

Section 7. 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 and severely restricted workers' attempts to organize. Workers in transportation, education, and other sectors were systematically suppressed. 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. According to the ICHRI, these councils, which consisted of representatives of workers and a representative of management, were essentially management-run unions that undermined workers' efforts to maintain independent unions, but they nonetheless frequently blocked layoffs and dismissals in support of workers' demands. During the year the Government pressured workers to join the Government-sponsored councils.

The 1990 labor code stipulates that workers may establish an Islamic labor council or a guild at any workplace or that workers may appoint an official representative. The law strongly favors Islamic labor councils; no other form of representation is allowed in a workplace where such a council has been established. Although Workers' House oversees Islamic labor councils, the Interior Ministry, the Ministry of Labor, and the Islamic Information Organization draft councils' constitutions, operational rules, and election procedures. There is no representative workers' organization for workers who are noncitizens.

Restrictions on freedom of association for workers continued during the year as the Government and the judiciary imprisoned and aimed to silence labor activists. Because of the severe crackdown on labor unions from the previous year, many workers groups cancelled annual May Day protests, including activities focused on the banned teachers union.

On April 16, leaders of the country's teachers associations met in the city of Yazd to formulate a statement. Officials from the local intelligence office telephoned to threaten them and warn them to leave. The statement by the leaders of the Coordinating Council of Teacher's Trade Association called for hunger strikes after National Teachers Day on May 2.

On April 22, intelligence officials summoned Tofiq Mortezapour and Hasan Kharatian, both from the Teachers' Trade Association in Tabriz. On April 26, authorities searched Mortezapour's house and confiscated personal items, including his computer and papers. On April 27, authorities interrogated both men.

On April 24, intelligence officials summoned three members of the Teachers' Trade Association in Hamedan—Ali Najafi, Asghar Mohammad Khani, and Jalal Naderi—to the local intelligence office. The ICHRI reports that authorities detained Najafi for a day and night. The three faced interrogations again on April 26.

Also on April 24, the Tehran Investigation Office of the Intelligence Ministry summoned Ali Akbar Baghani, the secretary general of the Teacher's Trade Association, and Mohammad Beheshti Langeroudi, the spokesperson for the association. On April 29, intelligence agents searched their houses and detained the two men without informing them of the charges. The events prefaced worker and teacher strikes planned for May 1 and 2. Both men were released in July after 63 days in prison.

In a related incident on April 28, the Human Rights Activists News Agency reported that security forces entered the house of Alireza Hashemi, head of the Teachers' Organization, and took him to an unknown location after confiscating his computer and a number of personal belongings. In June 2009 during a general crackdown on dissidents, authorities arrested and detained him for 25 days. At year's end he remained in prison.

On May 1, National Workers Day, union and student protesters clashed in Tehran, and dozens were reported injured. There were also reports of demonstrations in other cities including Tabriz, Shiraz, Kermanshah, Qazvin, and Esfahan. International media reported that more than 16 persons were injured. Also on May 1, authorities reportedly briefly detained Mahmoud Salehi, former head of the Saqqez Bakery Workers' Union who completed a prison term in 2008, and asked him not to participate in Workers' Day activities.

On June 12, authorities arrested Reza Shahabi, a leader of the bus syndicate, and kept him in solitary confinement for 40 days. The Tehran bus company fired Shahabi four years prior for alleged union activity. The ICHRI reported that the Revolutionary Court had not at year's end charged Shahabi with any crime. In December Shahabi went on a hunger strike to protest that he had not been released after payment of his bail of one million toman (\$100,000). At year's end he remained in prison.

On August 3, a court sentenced Rasoul Bodaghi, a member of the board of directors of the teachers' association, to six years in prison and prohibited him from union activity for five years on charges of "propaganda against the system" and "assembly and attempt to disrupt the national security." Authorities arrested the veteran teacher in September 2009. Gohardasht Prison guards reportedly severely beat him on May 28.

On November 2, intelligence officials in Karaj briefly detained and reportedly assaulted bus syndicate leaders Saeed Torabian and Gholamreza Gholamhosseini. Two days later, intelligence officials arrested the two as they were posting a message on the Internet about the November 2 incident. On November 3, authorities reportedly

released Torabian, but Gholamhosseini remained in prison at year's end, along with other syndicate leaders arrested in November, including Morteza Komsari and Ali Akbar Nazari. Authorities also detained Torabian from June 9 to July 20, charging him with acting against national security and speaking against the regime.

There was no update on the case of journalist and union organizer Sajad Khaksari, whose final charge was awaiting treatment by a public court in Tehran in December 2009. Khaksari is the son of Mohammad Khaksari and Soraya Darabi, both leaders of the Iran Teachers' Trade Association.

On January 4, security agents arrested the then public relations officer of the Haft Tapeh Sugar Cane Company's trade union, Reza Rakhshan, and detained him until his January 20 release on bail of 15 billion toman (\$15 million). On December 1, the Avhaz appeals court reversed a lower court's acquittal of Rakhshan, by that time the new president of the union, and sentenced him to six months in prison for "propagation of lies." Rakhshan had written an article commemorating the second anniversary of the union and describing his firing earlier in the year for union activities. On April 14, authorities released then union president Ali Nejati on bail. Union leaders Mohammed Heydari Mehr, Feridoun Nikoufard, Jalil Ahmadi, and Ghorban Alipour were all released after serving sentences of between four and six months.

In August 2009 security officers closed the offices of the Association of Iranian Journalists immediately before a union general meeting and President Ahmadi-Nejad's swearing-in. At year's end the association was inactive, and many of its members remained in prison.

There was no further information about Ebrahim Madadi, who remained in prison at year's end on charges from 2007.

On May 28, prison authorities transferred bus-driver syndicate leader Mansour Ossanloo from Evin Prison to solitary confinement in an IRGC ward at Gohardasht Prison. The ICHRI reported that intelligence ministry interrogators reportedly subjected Ossanloo to harsh interrogations and mental torture. AI noted that authorities denied Ossanloo medical care. In August Branch 1 of the Revolutionary Court reportedly sentenced Ossanloo to an additional year in prison for "propaganda against the regime." Ossanloo had no access to a lawyer during his sentencing, and authorities failed to notify his lawyers that he was going to court. Ossanloo's original charges dated from 2007.

The law prohibits public sector strikes, and the Government considered unlawful any strike deemed contrary to government economic and labor policies, including strikes in the private sector, but strikes did occur. According to international media reports, security forces continued to respond with arbitrary arrests and violence to workers' attempts to conduct labor strikes.

b. The Right to Organize and Bargain Collectively.—Workers did not have the right to organize independently or to negotiate collective bargaining agreements freely. 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. See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of minors younger than 15 and places restrictions on employment of minors younger than 18, such as prohibitions on hard labor or night work; however, it permits children to work in agriculture, domestic service, and some small businesses. The Government did not adequately monitor or enforce laws pertaining to child labor, and child labor was a serious problem.

According to government sources, three million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to five million, and credible reports stated that approximately 14 percent of children in the country were forced to work in dangerous conditions. There were reportedly significant numbers of children—primarily Afghan, but also Iranian—working as street vendors in major urban areas. Traffickers also exploited children for forced commercial sexual exploitation and involuntary servitude as beggars and laborers. Children also worked as mechanic apprentices or in clay/brickmaking operations. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—On March 16, according to international media, the Supreme Labor Council announced an annual minimum wage of 303,048 toman (\$303); labor rights activists claimed that amount was insufficient to feed a family of four in Tehran.

The labor law does not cover an estimated 700,000 legal workers, as it applies in full only to workplaces with 10 or more workers. Workplaces with fewer than five workers or in export processing zones are exempt from all labor laws. Afghan workers, especially those working illegally, 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), at least 12 days of paid annual leave, and several paid public holidays. Women have the right to maternity leave.

The law establishes a safety council chaired by the labor minister or his representative to protect workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common 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 29 million, is a republic with a freely elected government led by Prime Minister Nouri Kamal al-Maliki. On December 22, the new government was sworn in after the parliament, the Council of Representatives (COR), approved a power-sharing agreement reached by all of the country's major political blocs on November 11, approximately nine months after the March 7 elections. Despite the controversy surrounding the January 15 decision by Iraq's Independent High Electoral Commission (IHEC) to ban approximately 500 candidates for alleged ties to the banned Ba'ath Party, and violence before and on election day, the COR elections met internationally recognized standards for free and fair elections, and the results of these legislative elections reflected the general will of the voters.

Iraqi security forces (ISF) reported to civilian authorities, but 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: arbitrary or unlawful deprivation of life; extremist and terrorist bombings and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly and extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant, widespread 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, religious, and racial minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Terrorist groups, such as al-Qaida in Iraq (AQI), and other extremist elements continued to launch highly destructive attacks, attempting to influence the elections and government formation process, fuel sectarian tensions, and undermine the Government's ability to maintain law and order. Extremist and AQI attacks continued against ISF and government officials. AQI and other extremists also conducted high-profile bombings targeting urban areas, Shia markets, and mosques, and Shia religious pilgrims. Religious minorities, sometimes labeled "anti-Islamic," were often targeted in the violence.

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 the law provides. However, the credible and legitimate national parliamentary elections in all 18 provinces on March 7 reflected a significant achievement in advancing the free exercise 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.—During the year there were press reports and personal accounts that the Government or its agents committed numer-

ous arbitrary or unlawful killings connected to its security operations. These numerous accounts and press reports accused government security forces of being responsible for unlawful deprivation of life. The outcome of official investigations was often unpublished, unknown or incomplete.

With the increased exercise of central government authority over security forces, widespread and confirmed unauthorized government agent involvement in extrajudicial killings largely ceased, although there were reports of individuals using their security positions to settle personal grievances and grudges. In addition, there were reports of attacks by individuals posing as ISF. On January 17, a group of approximately 30 men dressed in military uniforms executed three brothers from the Mjamma'i tribe. On April 2, 16 gunmen in ISF uniforms killed 24 persons in the Sunni village of Albusaifi. Victims of this attack included former members of the Sons of Iraq (SOI), government-paid security forces who turned against al-Qaida. On October 11, gunmen wearing military uniforms killed four members of a government-supported Sunni militia in Yusufiya. In response, beginning in January the Government ordered tailors to sign pledges promising not to make or sell uniforms to nonsecurity personnel and imposed fines, business closures, and possible jail sentences for noncompliance.

Violence against the civilian population perpetrated by terrorist groups remained a problem during the year, and bombings, executions, and killings were regular occurrences throughout all regions and sectors of society. For example, on January 25, suicide bombers attacked several hotels in Baghdad, killing 37 persons. On March 26, two bombs exploded in a restaurant, killing 57 persons. On May 10, coordinated bombings and shootings across the country resulted in at least 119 fatalities, including ISF and law enforcement personnel. On August 17, a suicide bomber blew himself up in a crowd of army recruits in Baghdad, killing 61 persons.

Incidents of terrorist attacks by female suicide bombers continued to occur throughout the year. On February 1, a female suicide bomber killed 54 Shiite pilgrims in Baghdad. On July 4, a female suicide bomber killed at least four persons at the entrance to the provincial government offices in Ramadi.

From January 1 through December 31, an estimated 652 ISF personnel were killed in combat (noncriminal) actions and 2,204 were wounded. During the year 962 Ministry of Interior (MOI) personnel were killed and 1,347 were injured. Police officers, in particular, were targeted. For example, in the week beginning August 1, gunmen or explosives killed at least five traffic officers and wounded 19 in Baghdad, forcing the authorities to arm some of the traffic officers with AK-47 assault rifles. On August 25, coordinated attacks targeting security forces throughout the country killed at least 56 individuals. On November 2, a roadside bomb in Sa'diyah exploded near a police convoy, killing three officers. On December 29, an attack by three suicide bombers in Mosul killed a prominent police commander and caused the collapse of the police station. The police commander who was killed, Lt. Col. Shamel Ahmed al-Jabouri, had been recognized for confronting terrorist groups in the area. The attack was the sixth attempt on his life and the second in the previous three months. An AQI-affiliated group, Islamic State of Iraq, claimed responsibility for the attack.

Terrorists also targeted government institutions and leaders. Terrorists subjected the International Zone, where many government institutions and foreign embassies are located, to rocket and mortar attacks throughout the year. On February 18, a suicide car bomber killed 13 individuals outside the main government complex in Ramadi. Suicide attackers targeted the same Ramadi government complex in Anbar province twice, on December 12 and 27, killing at least 13 in the first attack and at least 17 in the second attack. On April 4, suicide attackers detonated car bombs near embassies in Baghdad, resulting in 42 fatalities. On October 19, the UN special representative to Iraq, Ad Melkert, escaped unharmed when a roadside bomb struck his convoy; one ISF member died from the attack.

Terrorists also targeted religious institutions and minority groups (see section 2.c.).

There was an increase in AQI attacks against Sunnis cooperating with the Government—the SOI and Sunni tribal leaders. On April 20, gunmen killed five family members, beheading three, of the local anti-AQI militia in Tarmiyah. On June 17, gunmen killed Khudair Hamad al-Issawi, his wife, and two sons in a village outside Falluja. On July 18, a suicide bomber killed at least 45 anti-al-Qaida Sunni fighters waiting for their paychecks. On August 18, gunmen killed an SOI member at an official checkpoint in Madaen; a bomb attached to a vehicle killed another SOI member in Baquba. On December 18, Sheik Ahmed Abu Risha, head of the Anbar Awakening Council, survived an assassination attempt when police defused a bomb concealed in a laptop.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces under the authority of the Kurdistan Regional Government (KRG), there were significantly fewer reports of extremist violence than elsewhere in the country.

There were press reports and credible accounts of KRG security forces committing arbitrary or unlawful killings and arrests.

Although violence levels were lower in the KRG as compared with the rest of the country, there were incidents of terrorist attacks. For example, on September 29, in Qaladiza district, northeast of Sulamaniyah, a suicide bomber wearing a Peshmerga uniform attempted to detonate explosives among the Kurdish Peshmerga forces but was intercepted before gaining access to the facility and chose to detonate the explosives instead of surrendering to the security forces.

On November 1, in Erbil, a vehicle-borne improvised explosive device was discovered at a checkpoint approximately three miles south of the inner city. Two passengers in the vehicle at the checkpoint were killed.

On May 4, Sardasht Osman, a contributor to the independent news outlets, was abducted and killed. He was known for his articles alleging nepotism and corruption in the leadership of the Kurdish region, including President Massoud Barzani and his immediate family. His body was found on May 5 in Mosul.

On several occasions throughout the year, the Turkish government used military aircraft to attack areas where the Kurdistan Workers' Party (PKK), a terrorist organization, were active in the north. According to press reports, one civilian was killed and two others were injured by artillery fire in Iraq on June 18.

Iranian forces occasionally bombarded areas along the Iran-Iraq border, targeting members of the Party of Free Life of Kurdistan, an Iranian Kurdish separatist group. According to press reports on September 25, Iranian forces killed 30 Kurdish insurgents in the Qandil Mountains in northeastern Iraq as a reprisal for a bombing in the Iranian city of Mahabad, which killed 12 persons and wounded 80.

There were no known developments in killings that were reported in 2008 or 2009.

Other parts of this report contain related information (see sections 2.a., 2.c., and 2.d.).

b. Disappearance.—The majority of reported cases of disappearances or kidnappings appeared to be financially motivated. Religious minorities and children were often the target of such kidnappings. Kidnappers who did not receive a ransom often killed their victims.

Police believed that the majority of these cases went unreported.

As in 2009, there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. However, there were numerous reports of the police releasing legally arrested persons from custody after receiving monetary payment.

New mass graves of thousands of persons who went missing under the Saddam Hussein-regime were found during the year. On January 5, the Karbala Provincial Council Human Rights Committee announced the discovery of a mass grave containing the remains of 23 persons killed during the al-Shabaniyah (Shiite uprising of 1991). On January 24, the Ministry of Human Rights (MOHR) in Karbala announced finding a mass grave also with the remains of victims from the al-Shabaniyah. On January 24, police found the remains of eight persons, believed to have died after 2003, at a grave site outside Fallujah. On March 17, the MOHR announced the discovery of three mass graves containing the remains of 255 persons killed in the 1980s and 1990s in Wasit Province. On March 23, the MOHR announced the discovery of a mass grave containing the remains dating to 1991 of 20 persons in Maysan Province. On June 20, police discovered the remains of eight persons in Baghdad, presumed to be victims of sectarian violence during 2006-07. On June 25, police found a mass grave near Samarra containing the remains of 11 persons presumed to be victims of 2006-07 sectarian violence following the attacks on a revered Shiite shrine during both years. In July the KRG Ministry of Martyrs Affairs discovered two mass graves in Sorya village in Dohuk Province: the first containing the remains of 28 persons, mostly children and women; the second, the remains of 14 persons. In October the MOHR in Ramadi announced the finding of a mass grave with the remains of victims of at least 69 persons who died in the 1980s.

Reports indicated KRG authorities arrested some minorities without due process in Iraq's disputed internal boundary region, taking them to undisclosed locations for detention.

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 doc-

umented 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 faced obstacles from continuing large-scale violence, corruption, sectarian bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

Local and international human rights organizations, the MOHR, and the human rights directorates of the MOI and Ministry of Defense (MOD) continued to report allegations of torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces' detention facilities. A MOHR prisons report for 2009 indicated that there were 326 documented cases of torture and mistreatment at MOI facilities, 152 cases at MOD facilities, 14 cases at Ministry of Labor and Social Affairs (MOLSA) facilities, one case at Ministry of Justice (MOJ) facilities, and 12 in Peshmerga facilities in the Kurdistan region during that year.

As in previous years, reports of abuse at the point of arrest and investigation, particularly by the MOI's Federal Police and MOD battalion-level forces, continued to be common. Allegations of abuse included use of stress positions, beatings, electric shocks, sexual assault, denial of medical treatment, death threats, and death.

On April 19, the local and international media reported the discovery of a secret prison operated by security forces under control of the Prime Minister's Office containing more than 400 Sunni detainees, of which over 100 were reportedly tortured. The detainees were arrested by the ISF during October 2009 security sweeps in Ninewa Province and then transferred to a prison in Baghdad. One prisoner reportedly died in January from the abuse, while others were allegedly beaten, raped, suffocated with plastic bags, and had electricity applied to them. Authorities initially arrested three officers, but they were later released without charge. There were no prosecutions of any officer or judge associated with the event. Subsequently, 75 of the prisoners were released and 200 were transferred to other jails, according to government officials.

In May 2009 three detainees at the MOI's Al Forsan detention facility in Ramadi were allegedly tortured, and in June 2009 prison guards allegedly tortured and raped female detainees at an MOI detention facility in the Adamiya neighborhood of Baghdad. Charges were brought against the officers involved; no further updates were available. In June 2009, in response to three COR members' allegations that 11 detainees had been subjected to abuse and torture by MOI officials, the Government established a committee that charged 40 police officers with abuse. According to government reports, one general, two colonels, two majors, and two lieutenants were suspended pending additional investigation into charges of detainee abuse; no further updates were available.

Impunity for security forces continued, although there were indications that some disciplinary action was taken against security forces accused of having committed human rights abuses and judicial follow-up in some torture cases, but little information was publicly available. The MOI Human Rights Directorate, charged with investigating human rights allegations within the police force, had a staff of 90 investigators based in Baghdad and 14 others, one in each province excluding the KRG. During 2009 the MOI Human Rights Directorate opened 55 investigations into human rights abuse cases and sent 15 cases to court for further investigation, nine of which had substantiated allegations of torture against 14 officers, including one general, five colonels, and three majors. There was no comparable information available for 2010 at year's end.

There were fewer reports of torture or abuse in the MOJ's pretrial detention facilities than in the MOI or MOD facilities.

The KRG's Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the KRG internal security forces, Asayish, and the party-affiliated intelligence services Parastin of the Kurdistan Democratic Party (KDP) and Zaniyari of the Patriotic Union of Kurdistan (PUK). Allegations of abuse included stress positions, broken fingers, and application of electric shocks. A 2009 MOHR report on prison conditions in the Kurdistan region noted that inspectors had observed signs of "systemic torture" in Asayish detention facilities, although cases in prisons run by KRG Ministry of Labor and Social Affairs were limited to isolated instances.

Prison and Detention Center Conditions.—By law the MOJ has full control and authority over all detention facilities, except for those administered by the MOD for military justice purposes. This law was not fully implemented, however, and four separate ministries—the MOJ, MOI, MOD, and MOLSA—continued to operate detention facilities. KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial

and postconviction housing and eight additional internal security pretrial detention facilities.

Although the Government had not yet provided adequate resources (personnel, supplies, equipment, and facilities) to the MOJ for it to assume complete control over all detention operations throughout the country, there was progress in transferring MOD detainees to MOJ detention facilities. The country's fractured penal structure, in which the MOJ held convicts and the MOI, and to a lesser extent the MOD, hold detainees complicated detention and prison operations. For example, the MOJ oversaw day-to-day operations in the Baghdad prison formerly known as Camp Honor, but another agency controlled outside access to the facility, resulting in the denial of family member access to detainees.

At year's end, there were 12 MOJ prisons and 11 MOJ pretrial detention facilities.

MOI detention facilities comprise an estimated six Federal Police facilities and 294 Iraqi Police facilities. There are an estimated 1,200 smaller MOI police holding stations throughout the country managed, staffed, and operated by the Federal Police, Iraqi Police Services, Criminal Investigations Division, and the National Investigative and Information Agency. Although there were no independently verified statistics, it was estimated that the MOI facilities held as many as 8,000 pretrial detainees.

The MOD operated 27 Iraqi army pretrial detention centers for detainees captured during military raids and operations. There were reports of unofficial detention centers throughout the country. The MOD lacked the legal authority to detain civilians and was required to transfer detainees to MOI or MOJ facilities within 24 hours. In May 2009 the MOD began transferring its civilian detainees to MOJ custody. Approximately 325 civilian detainees remained in MOD custody at year's end (650 at the end of 2009), the majority located in a detention facility in the International Zone in Baghdad. After reports of systematic abuse in this facility, the Government closed it and transferred the detainees to MOJ facilities.

The majority of individuals in MOI and MOD facilities were pretrial detainees. Overcrowding of pretrial detainees remained a problem in all detention facilities throughout the country due to slow case processing and lack of information sharing among relevant agencies.

The MOJ is the only government entity with the legal authority to hold, care for, and guard posttrial detainees. The total capacity of MOJ's Iraqi Corrections Service (ICS) facilities was 26,469 beds for men (not including emergency capacity) and 553 beds for women. The total number of prisoners in the ICS was 25,020, 43 percent of whom were pretrial detainees.

In MOI and MOD detention facilities, conditions and treatment of detainees were generally reported as poor. The MOI Human Rights Directorate reported conducting 1,020 inspections during the year, a significant increase from 270 inspections in 2009, and noted that overcrowding remained widespread. Many lacked adequate food, exercise facilities, medical care, and family visitation. 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 there continued to be allegations of abuse and torture in some facilities.

Despite limited resources and funds, MOJ detention facilities provided detainees with better treatment and living conditions than MOI and MOD detention facilities. Medical care in MOJ's ICS prisons in some locations exceeded the community standard. ICS personnel made significant progress in meeting internationally accepted standards for prisoner needs. The MOJ is responsible for training ICS guards and correctional executive management staff, providing the facilities with necessary supplies and equipment, addressing overcrowding, facilitating case processing, and providing prison rehabilitation programs.

The ICS internal affairs department monitored abuse or violations of prisoners' human rights. Allegations of abuse resulted in the disciplining of ICS officers in some cases. During the year there were seven allegations that ICS staff abused detainees. There was no information available on the disposition of these cases at year's end.

The law mandates that women and juveniles be held separately from male adults. Although this law was generally observed, in some cases women were held in the same detention facility as men but in segregated quarters and cellblocks. A MOD inspection of a facility in Baghdad's International Zone found women at the facility, albeit in separate cells. Juveniles were also occasionally held with adults. MOD inspections of its International Zone facility and Old Muthanna detention facilities found juveniles living in the same cells as adult detainees. Additionally pretrial de-

tainees and convicted prisoners were sometimes held in the same facility due to space limitations.

During the year MOLSA's juvenile facilities improved. The end-of-year population of the Tobschi juvenile facility in Baghdad was 297 pretrial juveniles, while the facility's capacity was 327. Legal, medical, educational, and social services were available on site. The Karada female juvenile facility, which had a population within its capacity, had medical services on site. The Shalchiya facility also had a population within its capacity. The Kharq juvenile facility remained overcrowded, with a capacity of 245 and a total population of 490 posttrial juveniles. There were no reported instances of abuse or mistreatment in MOLSA facilities. Small numbers of juveniles were also held at some MOJ and police stations; for example, 167 juveniles were at MOJ facilities at year's end.

KRG security authorities operated male pretrial detention facilities, and KRG social welfare authorities operated male posttrial and female and juvenile pretrial and posttrial detention facilities in the Kurdistan region. The KRG internal security forces and the KRG intelligence services operated separate detention facilities. Domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the MOHR, the International Committee of the Red Cross (ICRC), and the UN.

Until the April media reports of an extrajudicial detention facility appeared, the national detention facilities occasionally permitted visits by representatives of the national MOHR and members of parliament. After the press coverage, MOHR officials reported encountering resistance at some detention facilities to MOHR visits. KRG detention facilities permitted visits by the national MOHR and KRG human rights authorities. The MOHR's annual report covering 2009 was generally critical of prison standards across the country and addressed general conditions and populations of detention facilities, judicial processes, and torture allegations.

Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI detention and pretrial facilities, although the MOHR initiated a program in 2009 to train NGOs in how to conduct prison inspections. Some intergovernmental organizations had access to similar facilities of the KRG internal security and intelligence forces, which were separate from the national facilities.

The ICRC had access in accordance with its standard modalities to MOJ detention facilities, together with access to places of detention under other ministries, although at times with difficulties. The ICRC did not have access to the Counterterrorism Center detention facility. During the year the ICRC carried out 118 visits to 39 central government detention facilities. The ICRC also regularly visited 40 KRG detention facilities.

The ICRC had a separate agreement with the KRG for access, although not full unrestricted access, to KRG detention facilities. They formally renewed the agreement in December 2009.

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 many instances of arbitrary arrest and detention.

Role of the Police and Security Apparatus.—The ISF consists of MOI security forces and MOD military forces and amounted to approximately 793,000 persons at the end of October, consisting of 259,910 military and 4,120 special forces personnel. 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. The MOI was also responsible 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. Official impunity was a serious problem.

The MOI security forces included several components: the 301,286-member Iraqi Police Service primarily deployed to police stations; the majority Shia 43,957-member Federal Police, organized into commandos and public order police; the 60,605-member Border Enforcement Police; and the 94,000 Facilities Protection Service security guards deployed at MOI direction at individual ministries. The MOI was responsible for approximately 529,000 employees, almost 10 percent of the country's male labor force as of the end of October.

During the year the security services grappled with the problem of integrating the SOI into the ISF, strengthened chain of command and control, and promoted force modernization, enabling the ISF to improve operations against extremists. Although oversight by MOI and MOD internal affairs increased, problems continued with all security services arising from sectarian divisions, corruption, and unwillingness to serve outside the areas in which personnel were recruited. The effort of the head of the largely Shia Federal Police to have police serve in provinces other than their home provinces to reduce corruption was only partially successful.

Government efforts to pay the approximately 94,000 SOI personnel, predominately Sunnis, and integrate them into long-term employment (20 percent with state security agencies and 80 percent with civil ministries) were stalled in late 2009 in advance of the March 2010 parliamentary elections. Prior to this period, the Government had transitioned 43 percent of the approximately 95,000 SOI members into the ISF or various civil ministries. During the elections the Government put the transition of the SOI into civilian and Iraqi security forces jobs on hold to afford extra security during and after the elections. Security needs during government formation extended this pause in SOI transition.

A history of pay problems and slow transition to other employment, although coincidental, contribute to negative perceptions among the SOI. Despite these delays the Government continued to support the Sons of Iraq. Since May 2009 the Government has been responsible for paying all SOI salaries, and timeliness continued to improve. In two of the last four months of the year (September and December), the SOI were paid early, with only minor delays in four provinces in October and November. Other recent government actions to address the problem included establishing a joint interagency coordination center for the SOI, more timely payments, and the creation by the prime minister of a committee focused on how best to promote successful SOI integration. In addition, the Government's draft 2011 budget included \$195 million for salaries and other payments for the SOI. Suspected government targeting and arrest of SOI personnel for alleged previous terrorist activity continued to be a point of tension between the Sunni population and the Government.

The KRG maintained its own regional security forces, the Peshmerga, as set forth in the constitution. The two main parties of the Kurdish region maintained ties to these Peshmerga units, which remained separated in practice along party lines, as well as to other security and intelligence units currently outside KRG or central government control. KRG security forces and intelligence services detained suspects in KRG-controlled areas. The poorly defined borders between the KRG and the central government and contested areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts. In April 2009 the chief judge of Sulaymaniyah Province and the head of the PUK branch of the KRG internal security forces signed a memorandum of understanding, acknowledging the supremacy of the civilian court system in all security matters. KRG internal security forces pledged not to carry out arrests and other actions without court authority in the memorandum. Due to a lack of progress in the integration of security forces, effective control by political leaders continued through political party channels.

The MOI established the internal security forces disciplinary and criminal court system in 2008. By year's end, the courts had heard more than 6,000 cases and returned 2,000 convictions for violations and crimes committed by MOI police.

A significant number of allegations of MOI and MOD abuses were raised during the year, although few of these allegations led to convictions. There were continued reports of torture and abuse throughout the country in many MOI police stations and MOD facilities; the incidents generally occurred during the interrogation phases. The MOI Internal Affairs Division did not release the number of officers punished during the year.

Security force officials were rarely pursued for suspected crimes because ministers, responsible for the suspect, have the legal ability block an arrest warrant. Section 136(b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants that sitting judges presiding over criminal investigations have issued against members of the security forces. Permission was rarely given during the year to prosecute higher-level officials.

Arrest Procedures and Treatment While in 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 that can be extended by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Law enforcement authorities reportedly continued to detain and search individuals without

an arrest warrant after the state of emergency law expired in 2007, although there were no reliable statistics available on such incidents.

In practice many detainees were held for months or years without access to defense counsel or without being formally charged or brought before a judge. Police and army personnel frequently arrested and detained suspects without judicial approval. MOHR and MOD Human Rights Directorate inspections of the MOD detention facilities in the International Zone and at Old Muthanna Airfield found many detainees without case files or valid detention orders. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. Unlike in the previous year, fewer security sweeps were conducted throughout entire neighborhoods or provinces.

At year's end, the number of detainees in government hands was estimated at 21,000, not including those in central government facilities in the KRG or Asayish and KRG intelligence service facilities. At year's end, the ICS held 11,063; the MOI, an unverified number estimated at 8,000; the MOD, 325; and MOLSA, approximately 350. The KRG total was reported to be approximately 338, not including central government facilities 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 they did not see the investigative judge until months or sometimes years after arrest and detention. 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 that included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges. There were allegations of detention beyond judicial release dates as well as unlawful releases.

The Government periodically released detainees, usually after concluding it had insufficient evidence for the courts to convict them. During the year the Government released approximately 560 detainees.

Detainees initiated hunger strikes to protest either poor detention conditions or slow case processing. It was unclear if the hunger strikes resulted in any improvement in detention conditions or case processing. On February 19, detainees at al-Minaa detention facility in Basrah went on a hunger strike to protest detention conditions "not fit for animals." On May 31, the media reported detainees at al-Rusafah facility in Baghdad initiated a hunger strike to protest conditions there. On October 30, the media reported detainees at al-Miqdadiyah facility in Diyala Province embarked on a hunger strike to protest conditions there and the slow processing of their cases. This was the second time during the year that al-Miqdadiyah detainees launched a hunger strike.

There were reports that KRG internal security units detained suspects incommunicado and without an arrest warrant and that they transported detainees to undisclosed detention facilities.

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 (but not security) detainees were considered for release on bail.

Judges are authorized to appoint paid counsel for the indigent and did so in practice. Attorneys appointed to represent detainees frequently complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

Other sections of this report contain related information (see sections 2.a. and 2.d.).

Amnesty.—During the year the Government granted amnesty to 72 persons.

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, the security situation in the country rendered the judiciary weak and dependent on other parts of the Government. Threats and killings by sectarian, tribal, extremist, and criminal elements impaired judicial independence in many places. The Central Criminal Court of Iraq (CCC-I), Kharkh and the Felony Court, Rusafa (formerly the Rusafa CCC-I), which operated in heavily guarded locations in Baghdad, were notable exceptions. The MOI agreed to supplement security for judges and allowed judges to select which police officers would be assigned to their security detail. Approximately 2,000 police officers under MOI authority were assigned to protect judges.

Judges frequently faced death threats and attacks. Judges' family members also faced death threats and attacks. On June 6, an appeal judge survived an assassination attempt when a roadside bomb exploded near his convoy. On July 14, Judge

Hassan Aziz of the Cassation Court was assassinated after an adhesive bomb was placed in his car in western Baghdad. Between August 10 and September 7, there were 12 assassination attempts on judges throughout the country.

Although individual judges were generally viewed as objective and courageous, judges were vulnerable to intimidation and violence. 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 reports that court-issued detainee release orders were not consistently enforced.

The law restricted the free investigation of wrongdoing. As referenced above, section 136(b) of the criminal procedure code gives ministers the opportunity to review and prevent the execution of arrest warrants that sitting judges presiding over criminal investigations have issued against ministry employees. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch. During the year permission was given to arrest only lower-level ministry employees under Section 136(b).

The constitution provides for an independent judiciary in all regions.

The KRG 2007 Judicial Power Law attempted to create a more independent judiciary. The Kurdish Judicial Council, which had been part of the executive branch's MOJ, became legally independent and took responsibility for its own budget, human resource management, and reporting. KRG judicial authorities no longer have direct operational control over the judiciary, the KRG financial authorities relinquished control of the council's budget, and the chief justice was appointed by other judges and not by the executive branch. Nonetheless, the KRG executive continued to influence cases in politically sensitive areas, such as freedom of speech and the press (see section 2.a.).

The NGO Human Rights Watch claimed in a 2008 report that the CCC-I seriously failed to ensure detainees' rights to due process and fair trial. The reported failures included long periods of pretrial detention without judicial review, inability to pursue a meaningful defense or challenge evidence, and abuse in detention to extract confessions. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, including a large number of pretrial detainees, undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and an insufficient number of judges.

The Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, tried persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 1968, through May 2003.

In the 2007 Anfal trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali," and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Muhamad, were convicted of genocide and related charges and sentenced to death. The sentences were upheld on appeal. The Anfal trial concerned the deaths of an estimated 182,000 Kurdish men, women, and children, caused in part by the use of chemical weapons by the former Ba'athist regime in a 1986-89 campaign against the Kurds. In 2008 the Presidency Council ratified the death sentence of Ali Hassan Al Majid, who was executed on January 25. At year's end, the death sentence for Sultan Hashem Ahmed has not been carried out. No further information was available regarding Hussein Rashid Muhammad.

Two additional cases were referred to the trial chamber. The Halabja case, which included five defendants and began in 2008, involved chemical attacks on the Kurdish town of Halabja in March 1988 that resulted in the death of more than 5,000 civilians. On January 17, Ali Hassan al-Majid was convicted of genocide and executed on January 25. The remaining defendants were acquitted on genocide charges but received 15 year sentences for crimes against humanity. In 2008 the trial began of 24 defendants who were part of the former regime and were allegedly involved in the persecution of Dawa party members (religious parties case). During the year there were nine acquittals and five death sentences (including for former foreign minister and former deputy prime minister Tariq Aziz, issued on October 26) in the religious parties case.

In April 2009 the IHT began the "ethnic cleansing" case, in which 13 defendants were charged with involvement in forcibly relocating Kurds from Kirkuk to other areas of the country. The case ended with a verdict on August 2009 acquitting five defendants and convicting the remaining eight. All prison sentences in the case ranged from six to seven years. The prosecutor appealed three of the acquittals. The case remained under consideration by the appeals court at year's end.

In September 2009 the IHT issued a warrant for the arrest of Abdel Basit Turki, now in self-exile, who was the former head of the Board of Supreme Audit responsible for auditing the financial records of all central government institutions. Turki was charged with "wasting national wealth" during his time as a senior government

official under Saddam Hussein's regime, in particular for the transfer of billions of dollars in cash out of the country prior to Saddam's removal. Turki claimed that the allegations resulted from his exposure of corruption after the fall of Saddam Hussein. The allegations against Turki fell under the jurisdiction of the IHT due to their nature and the time period in which the offenses were allegedly committed.

On October 25, the IHT sentenced Tariq Aziz to death for crimes against humanity, specifically for torture and murder of Shia political opponents. President Jalal Talabani publicly stated he would not sign the execution order. At year's end, Aziz remained in prison, serving sentences for other crimes for which he was convicted.

During the year the IHT continued to investigate 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 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, which is extended to all citizens. 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 was insufficient access to defense attorneys. Many defendants met their lawyers for the first time during the initial hearing. Defense attorneys were provided at public expense if needed. Trials, except in some national security cases were public, and judges assembled evidence and adjudicated guilt or innocence. Defendants and their attorneys had access to government-held evidence relevant to their cases before trial. 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. There is the right of appeal also in civil cases.

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. The MOI courts investigate and try crimes committed by MOI employees related to their employment.

Political Prisoners and Detainees.—Some detainees alleged political reasons motivating their arrests, which authorities countered with criminal charges ranging from corruption to facilitating terrorism and murder. The prevalence of corruption, slow case processing, and inaccessibility to detainees, especially those held by counterterrorism, intelligence, and military authorities, made most claims hard to assess.

In 2009 there appeared to be an orchestrated political campaign against Sunni politicians from Diyala Province with arrest warrants issued for four members of the provincial council, the deputy governor, and a member of the parliament from Diyala. In May 2009 Iraqi special forces affiliated with the prime minister arrested Abdel Jabbar Ali Ibrahim on terrorism-related charges; he remained in custody at year's end. In November 2009 the deputy governor, Muhamad Hassayn Jasim, was arrested on charges related to terrorism financing. He was being held in a MOD detention facility at year's end. A former Sunni provincial council member, Hussayn al-Zubaydi, was convicted in October of terrorism-related charges and given a life sentence.

There was little information available concerning persons detained in Kurdish Asayish facilities.

Civil Judicial Procedures and Remedies.—The country has a legal framework, 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 as well as administrative remedies were not effectively implemented.

Property Restitution.—There was a problem with serious delays and corruption in adjudicating claims for property restitution. The Property Claims Commission (PCC), formerly the Commission for the Resolution of Real Property Disputes and originally called the Iraq Property Claims Commission, 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 PCC process was 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. In response to the delays and corruption in adjudicating claims, in June the prime minister in-

stalled new management, which initiated a claim verification process and extended the deadline for filing claims to June 2011.

As of year's end, the PCC had received more than 165,000 claims nationwide since its founding. At year's end, more than 25,000 claims had reportedly been reviewed, of which approximately 13,500 were approved and 11,500 rejected. Of the total claims filed, more than 47,000 were from Kirkuk; of the claims approved, more than 1,780 were from Kirkuk. The Higher Judicial Council appointed 39 judges and the KRG appointed five, for a total of 44 judges hearing cases.

Since 2003 a number of wafadin, Arabs previously settled in the Kirkuk region under Saddam Hussein's anti-Kurdish policies, returned to their previous homes in the center and south of the country and applied for compensation. Since the PCC was established, more than 28,000 wafadin have applied for compensation to the Article 140 Committee, which resolves claims for wafadin who seek compensation for returning to their original provinces. At the end of 2009, approval for compensation had been given to 16,500, and 10,917 wafadin had received compensation and in theory have returned to their original provinces.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution mandates that authorities not enter or search homes except with a judicial order. 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, although this happened less than in previous years.

In the KRG-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, and the Government restricted that right in some circumstances.

Despite this constitutional protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not to exceed seven years for any person who publicly insults the COR, the Government, or public authorities. The law also restricts media organizations from expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means." In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by the Government, political parties, criminal gangs, insurgent and sectarian forces, or tribes.

Individuals could criticize the Government publicly or privately, but not without concern of reprisal if the criticism was seen as "crossing the line" by challenging one's personal sense of honor. Individuals exercised self-censorship accordingly. There was no evidence that the Government attempted to impede criticism by monitoring political meetings.

Concerning freedom of the press, the independent media were active and expressed a wide variety of views subject to the Government's interpretation of lawful restrictions on violations of public order and morality. Political parties strongly influenced most of the several hundred daily and weekly publications, as well as dozens of radio and television stations.

Journalists were subject to violence and harassment. Eight journalists and media workers were killed during the year in Mosul, Baghdad, East Fallujah, and Ramadi. At least 12 others were targets of attacks, nine of whom suffered injuries from bombings of cars or offices. Journalists were targets of government security forces, corrupt officials, terrorists, religious groups that were unwilling to accept media independence, and unknown actors who, for whatever reason, wished to affect the flow of news. Despite multiple killings of journalists during the year, there were no convictions for these or previous killings of journalists.

For example, on April 14, the Iraqi Army's Baghdad Operations Command allegedly arrested Saad Al-Aossi, the editor in chief of the independent newspaper Al-Shahed. Baghdad Operations Command denied any involvement with the disappearance of Al-Aossi, whose fate remained unknown at year's end. On September 7, gunmen assassinated Riad al-Sary, a journalist and presenter of political and religious programs for Al-Iraqiya state-run television, in a Baghdad drive-by shooting. Al-Saray hosted religious-based programs that promoted reconciliation between Shia and Sunni. A day later, on September 8, gunmen fired from a speeding car and killed Safa al-Din Abdel Hamid in front of his home in Mosul. Abdel Hamid had worked at Al-Mosuliya, a private channel that covers Ninewa Province in the north. Abdel Hamid's program *Our Mosques* detailed the history of religious sites in Ninewa.

Security forces harassed local journalists. On January 15, the domestic NGO Journalistic Freedoms Observatory (JFO) reported that Najaf police assaulted journalists and damaged their equipment as they tried to complete a follow-up report on recent bombings. On January 31, security forces detained eight journalists in Maysan Province when the journalists, who were part of the media corps covering a local story, protested when the security forces attempted to prevent them from covering the story and confiscated their equipment. On September 21, police beat several journalists at a Baghdad checkpoint, even though the journalists had shown their press cards and were lying face down on the ground.

The Government acted to restrict media freedom in some circumstances by penalizing those who published items counter to government guidelines. On February 28, security forces raided three publishers and confiscated copies of the 16-page booklet, *Where has Iraq's Money Gone?*, which accused the Government of financial corruption. On July 6, a media report alleged that the Baghdad Operations Command discharged firearms to prevent a crew of the Beladi satellite channel from covering a Shiite anniversary celebration, even though the crew possessed the necessary documents to access the area.

On October 31, the Baghdad Operations Command accused and arrested two Al-Baghdadia television employees, who were released two days later, for assisting the terrorists who attacked Our Lady of Salvation Church. The employees received the terrorists' calls, resulting in the station announcing their demands on television. On November 1, the media commission ordered the Baghdad Operations Command to close Al-Baghdadia's Baghdad office, which it did by disconnecting the station's power and ordering everyone to leave the premises. The station continued broadcasting into Iraq from Egypt. On December 23, COR members formed a fact-finding committee to inquire into the closing of the station's Baghdad office, about which some members expressed freedom of press/media/speech concerns.

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 prosecution. There was widespread self-censorship.

In July the chief justice established a special court (the Court of Publication and Media) in Baghdad to adjudicate civil and criminal claims against the press and media, which some media organizations, journalists, and NGOs fear may have a negative impact on freedom of speech and press. The court heard a lawsuit against an independent newspaper that reported irregularities at a construction site in Basra. In October the court ruled in favor of the newspaper.

On November 12, a court ordered the United Kingdom newspaper *The Guardian* to pay damages to the prime minister in a 2008 suit for 1.1 billion dinars (approximately \$940,000) for describing Prime Minister Maliki as "authoritarian"; the suit also called for the closure of the paper's Baghdad bureau. The news organization, which continued operating in the country, appealed the ruling, which the appellate court overturned on December 28.

Media workers often reported that politicians pressured them to not publish articles criticizing the Government. They offered accounts of intimidation, threats, and harassment of the media by government or partisan officials. The Government frequently used the threat of legal action against media workers. The Government used its authority to deny journalists permits to impede potentially unfavorable media coverage.

In compliance with regulations introduced in July 2009, all book imports were subject to inspection by the Ministry of Culture. Books produced and published within the country required the ministry's approval before going on sale. According to the ministry, new vetting procedures applying to imports were established to stop the entry of literature promoting sectarianism.

In the Kurdistan region, a 2008 law provides for media freedom, and imprisonment is no longer a penalty for publication-related offenses. However, journalists continued to be tried, convicted, and imprisoned under the 1969 penal code. The Kurdistan Journalists Syndicate (KJS) documented 44 lawsuits against journalists during the year in the Kurdistan region, approximately one-third under the penal code. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the law allows prosecution on the basis of offending public morals and other crimes. Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption.

During the year political parties filed lawsuits against media organizations and journalists in Kurdistan "in self-defense." For example, on August 2, Fadhil Mirani, the KDP politburo secretary, filed a one billion dinar (approximately \$860,000) suit against the opposition (Goran) newspaper *Rozhnama*. The suit was in response to

a July 20 report that accused the KDP of receiving money from oil smuggling deals with Iran. On September 23, the Kurdiu.org news service reported that the KDP filed a lawsuit against the chief editor of the Kurdonia news agency regarding an article about the KDP's views towards the PKK and Kirkuk.

Regarding prosecution for offending public morals, on February 1, KRG authorities used paragraph 372 of the 1969 penal code to arrest the editor in chief of Chavder, a Dohuk-based newspaper, and a journalist-poet for publishing a poem that allegedly compared features of mosque architecture to parts of the human body. The authorities released the editor and journalist after 48 hours; however, the director general of (religious) endowments in Dohuk filed a lawsuit against them. On December 12, a Dohuk court fined both the editor and poet one million dinar (\$860,000) each for publishing the poem.

On April 2009 KRG minister for martyrs and victims of Anfal Chnar Sa'ad filed four defamation lawsuits against Jihan magazine editor in chief Nabaz Goran seeking damages of one billion dinars (\$860,000) and imposition of a travel ban following an article reporting on the minister's two-month trip to London. On December 7, the court ruled on two of the cases and permanently blocked Goran from traveling abroad and, in a decision which Goran appealed, fined him seven million dinars (\$6,000). Government and party officials filed five other defamation lawsuits against Goran during the year.

The KDP subsequently dropped all lawsuits as a gesture of goodwill to media and journalists.

Libel remains a criminal offense in the Kurdistan region, and judges may issue pretrial arrest warrants for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of published information. When named in a lawsuit, journalists were typically detained at police stations and were not released until they posted bail. Police often kept journalists in custody during investigations.

Journalists in the Kurdistan region asserted that they routinely encountered personal intimidation by KRG officials, security services, tribal elements, and business leaders. The KJS documented more than 300 incidents (threats, suits, and attacks) in 2009. In a report that covered the period from July 1 to December 25, the KJS documented 52 court subpoenas.

On January 19, freelance journalist Sabah Ali Qaraman alleged that persons affiliated with the PUK tried to abduct him because of his articles criticizing alleged PUK corruption. On February 24, Hawlati, an independent Kurdish newspaper, printed a blank front page containing only the headline, "You have the guns and we have the pens" in response to alleged abuse and attacks from the intelligence agency Asayish affiliated with the PUK. The newspaper linked the persecution with authorities trying to influence press coverage of the elections. Political parties owned or had significant influence over all but a few newspapers based in the region. According to the Office of the UN High Commissioner for Refugees (UNHCR), in April 2009 criticism of the ruling PUK and KDP in the Kurdish region resulted in intimidation, beatings, arrest and detention, and extrajudicial killings, with journalists particularly at risk.

On May 4 in Erbil, men abducted and killed Sardasht Osman, a contributor to the independent newspaper Ashtiname and news Web sites Sbei, Awene, Hawlati, and Lvinpress, who was known for his articles alleging nepotism and corruption in the leadership of the Kurdistan region, including President Massoud Barzani. In the month preceding his killing, Osman had written an article appearing in the Sweden-based Kurdistan Post that accused a high-ranking official of corruption. His body was found the next day 50 miles away in Mosul; he had been shot in the head. Even though the Kurdistan Regional Government officially condemned the crime and launched an investigation, many persons protested the killing, suspecting that Osman had been silenced by the leadership he criticized in his articles. After launching an investigation, Kurdish authorities in September issued a 430-word report claiming that Osman had been killed by a member of Ansar al-Islam, a Sunni terrorist group, for not carrying out work he had promised to do. The report provided no evidence for the assertion. The Committee to Protect Journalists and other press groups said the report lacked credibility.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. According to International Telecommunications Union June data, there were an estimated 325,000 (1.1 percent of the population) Internet users. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. Direct Internet access was generally low due to a lack of infrastructure in homes; however, the prevalence of Internet cafes contributed to usage among youth.

In January the Babylon City Council referred to investigators a media employee at the council after he published on a Web site the proceedings from an open, public council meeting. The JFO reported that the council claimed the media report could hurt the reputations of members planning to run for parliament seats.

Academic Freedom and Cultural Events.—Social, religious, and 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 granting of academic positions. During the year extremists and terrorists targeted cultural figures. In the central and southern parts of the country, there were a number of reports of threats by extremists and sectarian militants against schools and universities, urging them to modify activities, favor certain students, or face violence. Educational institutions at times complied with the threats, and academics practiced self-censorship to comply with them.

There was a report of a government attempt to restrict academic freedom. On December 7, Al-Arabiya television reported that the Ministry of Education banned theater and music classes in Baghdad's Fine Arts Institute and ordered the removal of statues at the institute's entrance, all of which the ministry denied. The ministry said it closed the music and theater department but that the subjects were still being taught. The Education Ministry did not provide a reason for its actions, although the demonstrating students and professors speculated that religious reasons were behind the actions. At year's end, the subjects continued to be taught at the school.

Unlike in 2009, there was one report of a government effort to restrict a cultural event for political reasons. On October 1, the deputy governor of Babil Province banned music and dance, ostensibly in observance of the birthday of Shia Islam's sixth imam, Jaafar ibn Muhammad al-Sadiq. Media sources, however, suggested political motives behind the deputy governor's action, which effectively cancelled the Ministry of Culture's Babylon Festival.

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 practices against protesters.

The Government refused permits for demonstrations on electricity shortages in the summer and also intimidated, arrested, and used excessive force against protesters. On June 19, police in Basra killed two persons when it opened fire on demonstrators demanding more electricity and the resignation of the electricity minister. Following the incident, police used more traditional nonlethal means to disperse violent protests, such as water cannons during an August 22 electricity protest in Nasiriyah.

On November 3, the Iraqi Kurdistan Parliament approved a new law, which the KRG president approved in early December, designed to regulate demonstrations throughout the region. The law mandates that protestors obtain permission in advance before demonstrating and that the local authority has the right to deny the request. Civil society and opposition parties opposed the law, believing the authorities would use the requirement to limit their freedom of assembly. There were demonstrations, both authorized and unauthorized, against the law, all without incident. There were no reports that KRG security forces killed or detained demonstrators protesting government acts.

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.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 in all parts of the country and the right to travel abroad and return freely. The Government generally respected these rights. There were some limitations in practice, particularly regarding travel into and residence in the Kurdistan region, but the KRG allowed Christian families displaced from Baghdad to Erbil to enter without restriction. Approximately 1,400 Christian families moved from Baghdad to Erbil and from Mosul to the Ninewa Plains seeking better security in the months following the bombing of a church in Baghdad on October 31. Restrictions by provinces on the entry of new internally displaced persons (IDPs) had little impact because there was little new displacement during the year.

The Government generally cooperated with the UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not fully established by year's end. For example, some IDPs were unable to access the public distribution system in the governorate to which they were displaced. In some instances the World Food Program and the ICRC delivered food rations to these IDPs.

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 the Kurdistan region, only in coordination with the KRG). In practice the security authorities have recourse to the same powers in response to security threats and attacks. The security forces tended not to abuse these powers since they were unpopular with residents.

There are no KRG laws that restrict movement across the areas administered by the KRG, but due to security procedures in practice movement was restricted. Citizens (of any ethnicity, including Kurds) crossing into the region from the south were obliged to stop at checkpoints, undergo personal and vehicle inspection, and receive permission to proceed. Officials prevented individuals from entering into the region if deemed a security threat. Entry for male Arabs was reportedly more difficult than for others. The officer in charge at the checkpoint was empowered to decline entry into the region.

To accommodate increasing numbers of summer and holiday visitors, the KRG security authorities worked out agreements with other provinces whereby tourist agencies submitted names of visitors in advance for preclearance. Visitors must show where they are lodging and how long they intend to stay.

The MOI Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before receiving a passport. In the KRG, unlike in the rest of the country, women over the age of 18 obtained passports without such approval.

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. There were few reports of citizens having difficulty obtaining passports. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Members of the Mujahedin-e-Khalq (MEK), a terrorist organization, who were invited to the country under the Saddam Hussein regime and who are not considered refugees, stateless persons, or IDPs, reported allegations during the year that MEK leaders attempted to prevent defection of some of the 3,400 residents at the MEK's Camp Ashraf in Diyala Province, under threat of reprisal. MEK leaders denied such allegations. In the past individuals claimed to have been subjected to psychological and physical abuse, including threats of reprisal against family members and solitary confinement in Ashraf, to discourage defections.

The Government, which assumed security responsibility for Ashraf in January 2009, engaged in provocative acts against MEK residents. Such acts included the placement of high-powered loudspeakers that broadcast anti-MEK propaganda and refusal of entry for some consumer and industrial goods. In response MEK residents conducted provocative protests of their own, which reflected the continuing contentious relations between the MEK and the Government. There were numerous protests and reaction throughout the year.

Internally Displaced Persons (IDPs).—The Government officially estimated at year's end that there were 2.56 million IDPs, including 166,664 post-2003 IDPs present in the KRG. An estimated 1.3 million were displaced following sectarian violence that began in 2006, approximately 200,000 were displaced between 2003 and 2005, and approximately a million were displaced prior to 2003, according to the UNHCR. The official government estimate was revised down toward the end of the year to reflect both IDP returns and clarifications in the database.

The majority of those displaced pre-2003 were moved under the prior regime's policy of Arabization; many of them had returned to their areas of origin but were included in the displaced population because they were unable to regain their original property and residences. Both Arabs and Kurds displaced in this way had access to compensation under a process outlined in article 58 of the Transitional Administration Law, which was further confirmed in article 140 of the constitution. A structure to implement this process was in place, albeit moving at a very slow pace.

Throughout the country most IDPs occupied abandoned buildings, public buildings, or homes other displaced families had abandoned. Approximately 500,000 lived

in ad hoc “clusters” or settlements located throughout the country with limited water, sanitation, and electricity. The UNHCR identified 116 settlements in Baghdad, with an estimated 226,118 residents. Other IDPs rented homes at increasingly high cost or lived with friends or family members. Lack of registration limited IDPs’ access to basic services and legal documentation to receive food rations from the public distribution system.

Hygiene and sanitation for IDPs were generally better in the KRG than in other areas, but education, livelihoods, and other concerns remained critical. Kurds whose villages were destroyed during the Iran-Iraq war remained without adequate housing. In October the representative of the UN secretary general on the human rights of internally displaced persons called on the KRG to assist those IDPs who have no access to education, shelter, and health care. Access to education was a particular challenge for Arabic-speaking IDPs in the KRG. In Kirkuk the representative reported that IDPs had been targets of harassment and detention, particularly during the run-up to the anticipated census exercise.

Targeted attacks and threats against Christians in Baghdad, Mosul, and other cities resulted in the displacement of 1,380 Christian families to the KRG and Ninewa Plains by year’s end. According to the UNHCR, more than half of the Christian population has left the country since 2003 and Christian families are disproportionately represented in the Iraqi refugee population.

Overall, only a small number of the country’s displaced persons had returned to their places of origin. A significant number of IDPs, 420,000, and a smaller number of refugees, nearly 80,000, moved back to their places of origin, particularly in Baghdad and Diyala provinces, during the period 2008-09.

During the year there was a significant decline in both IDP and refugee returns; by the end of October, IDP and refugee return levels were only 51 percent of returns in 2009. The UNHCR reported that 61 percent of refugees surveyed who returned to Baghdad in the past four years regretted their return because of terrorism and insecurity, and 87 percent of the total number interviewed said their income was insufficient to cover their family needs. (The UNHCR does not promote refugee returns because of insecurity.) Returning refugees also expressed concerns regarding insufficient health care, poor educational opportunities, and housing shortages. Of those returning, 77 percent of refugees did not return to their original residences because of insecurity or a fear of being targeted. Others reported it was not possible to return because their homes were damaged or occupied by others.

There is a legal and administrative process for restitution of property and eviction of squatters, along with a system of grants and stipends for returnees and evictees. The Government offered stipends of 1.5 million dinars (\$1,290) to returning families who deregistered as IDPs or refugees. As of mid-November, according to the Ministry of Displacement and Migration (MoDM), 52,967 families had received the grant and another 3,856 claims were in process. There were six returnee assistance centers, although one Baghdad center was inoperable for a period of several months beginning in April due to lack of MoDM support. In general the IDP housing assistance program was burdensome bureaucratically and did not produce satisfactory results.

Prime Minister’s Order 440 from mid-2008, which authorized eviction of IDPs from government buildings, was again not implemented. This stay expired in mid-year, and evictions rose during the second half of the year. During the period May to December, 18 verbal and eight written eviction orders were delivered to IDP settlements in Baghdad; the IDP communities of Al Ameen and Air Force Camp were evicted. In November, 2,000 IDP families were evicted in Hillah. Two hundred IDP families were evicted from Furat, and, according to Karbala provincial council officials, 34 IDP settlements in the province were put under eviction orders in May. Some communities were able to negotiate with authorities to postpone their evictions. Communities particularly at risk included those living in abandoned public buildings that the relevant ministry wanted to reclaim and those living near oil pipelines. In some provinces those evicted were provided with land grants in alternate locations, but in many cases evictions took place without viable alternatives.

The Government has no comprehensive policy for undoing sectarian cleansing, but it encouraged returns to secure areas where violence had occurred previously. The Government promised to provide essential services to support returnees in Baghdad and Diyala provinces upon their return home; however, delivery on these promises has remained largely unfulfilled. Many humanitarian organizations and Sunni leaders cited the lack of steps to reverse the worst of sectarian cleansing, claiming that the Government wished to discourage Sunni Arab refugees and IDPs from returning. Government officials vigorously denied these charges. In its view practical obstacles often discouraged greater numbers of returns. For example, the Government’s property restitution policy depended on individual requests for restitution

from property owners, and these requests often became bogged down in an overburdened legal system. Many property owners did not file claims due to fears of retribution from those evicted. In addition, the restitution system was unduly complex to navigate.

A 2008 national policy to address displacement led to some positive measures for the displaced, including property restitution, but a plan for a durable solution remained to be agreed upon at year's end. On September 29, during his visit the representative of the secretary general for the human rights of IDPs urged the Government, as well as the international community, to make stronger efforts to meet the human rights, humanitarian, and longer-term development needs of IDPs in accordance with international human rights standards.

The Government, through the MoDM, allowed IDPs access to domestic and international humanitarian organizations, collected information about IDPs, and provided some protection and assistance in the form of humanitarian supplies. The Government did not target IDPs or forcibly return them under dangerous conditions.

Protection of Refugees.—The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Government generally cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to the approximately 40,000 refugees living in the country. Reports of attacks and arrests of refugees in the central and southern parts of the country declined during the year, although they continued to be targeted periodically in attacks by sectarian groups, extremists, and criminals.

Generally, refugee groups of Turkish and Iranian Kurds in the KRG achieved a high level of integration. For the majority of the 7,825 Iranian Kurds whom the UNHCR registered as refugees in the north, local integration remained the best and most likely option. Refugee groups in central and southern regions, particularly refugees who were perceived to have been privileged by the former regime, such as Palestinians, Ahwazis in the south, and Syrian Arabs in Baghdad and Mosul, had less chance of integration and continued to face discrimination and require protection.

The Government began a registration of the 15,626 UNHCR-recognized Kurdish refugees from Turkey in November, most of whom had resided since 1998 in a UNHCR-administered camp in Makhmour, Erbil Province. The registration included the issuance of an identification card that provided greater mobility, employment opportunities, and access to civil documentation. It was hoped that the registration would lead to greater possibility for voluntary return and de facto local integration for the group.

According to the UNHCR, general violence in the central region and targeted attacks against Palestinians decreased. Notwithstanding improvements in security, Palestinian refugees continued to experience a deep level of uncertainty with regard to their place within the fabric of society. Economic challenges placed Palestinian refugees in the lowest socioeconomic rankings; their declining economic situation was in part attributable to a loss of employment opportunities due to discrimination. The UNHCR reported that it worked with the MoDM to provide identification cards to the 11,500 Palestinians remaining in the country. The MOI, in coordination with the UNHCR, issued approximately 10,000 identification cards to Palestinians, and approximately 2,000 more were in process at year's end. The cards facilitate increased mobility within Iraq by the Palestinians.

Stateless Persons.—The UNHCR estimated the total number of stateless persons in the country as less than 120,000, most of whom had already commenced the process of reacquiring nationality. The MOI Nationality Department anticipated resolving all such cases over the course of the next two years. Since 2003 more than 25,000 persons have regained their nationality, 4,000 of them during the year, in accordance with articles 17 and 18 of the nationality law of 2006. However, approximately 54,500 Bidoun (literally "without nationality") individuals living as nomads in the desert near Basra, Thi-Qar, and Samawa southern governorates remained stateless at year's end. In the north an estimated 560 stateless Syrian Kurds were registered as asylum seekers.

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

The constitution provides for the right of citizens to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In March 7 parliamentary elections, nearly 12 million votes were cast, drawing from a pool of more than 18.9 million registered voters. The majority Sunni Iraqi National Movement (known popularly as Iraqiyya), led by former prime minister Ayad Allawi, won a plurality with 91 seats in the 325-member body. Prime Minister Nouri Al-Maliki's largely Shia State of Law Coalition was close behind with 89 seats, while the Iraqi National Alliance and Kurdistan Alliance followed with 70 and 57 seats, respectively, with the Kurdistan Alliance retaining 47 seats after the Goran party left the alliance in November. Small minority blocs and independent candidates won the remainder of the seats. International observer missions and indigenous observer networks declared the elections free from widespread or systemic fraud.

The IHEC announced preliminary election results on March 27, based on 100 percent of the vote tabulation and resolution of approximately 200 complaints. The Federal Supreme Court certified the election results on June 1. Following the procedural calendar requirements, the new COR convened on June 14 but adjourned less than 20 minutes later to allow political blocs more time to negotiate the formation of a government. Following eight months of negotiations, the COR finally reconvened on November 11 and elected a speaker and deputy speakers. On November 25, President Talabani charged Maliki with forming a new government. The COR gave unanimous approval to this new government on December 21.

The number of votes cast exceeded that in the 2005 COR elections by 100,000; the turnout of registered voters was 62 percent compared with 76 percent in 2005, attributable in large part to the much higher number of registered voters that resulted from concerted voter registration campaigns by IHEC, political parties, and civil society organizations. IHEC instituted antifraud measures and procedures to handle complaints in compliance with an April 19 order issued by the Electoral Judicial Panel. The results of the Baghdad recount closely mirrored the original tally, dispelling lingering concerns about electoral irregularities.

A series of terrorist bombings, most targeting Sunni and Iraqiyya candidates but also Assyrians and Christians, marred the final three weeks of the election campaign. On election day, 42 persons were killed and 110 wounded in attacks in Baghdad, while several more were killed or injured in other cities around the country. According to reports, 228 persons died in election-related violence during the three-week campaign period prior to March 7, while another 178 were killed in post-election violence before official results were announced on March 27. Levels of violence were considerably lower than in the 2005 national elections.

IHEC, with nine COR-appointed commissioners, had sole responsibility for administering the elections, including the 49,640 official polling stations. IHEC welcomed strong civil society participation and technical assistance and observers from other countries and international organizations. IHEC credentialed 114,500 domestic monitors from more than 492 national monitoring organizations, 657 observers from 35 international organizations, and 476,366 representatives of political entities.

Political parties and candidates had the right to propose themselves or be nominated by other groups, including the innovation of a select number of political parties holding primaries to develop their respective slates. 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.

A number of candidates were disqualified. The 2008 Accountability and Justice (de-Ba'athification) Law prevented active Ba'athists and high-level former Ba'athists from running for elected office. On January 14, the Accountability and Justice Commission (AJC) disqualified approximately 500 candidates due to alleged Ba'ath Party ties. Sixty-three candidates were later reinstated under the auspices of an ad hoc COR committee. Approximately half of the remaining disqualifications affected secular nationalists including those from the Iraqiyya bloc. Sunni parties with affected slates could voluntarily name replacement candidates. Candidates on the disqualified list could avail themselves of an appeals process through a special cassation chamber empowered to review AJC decisions.

Because the cassation chamber could not complete its review of 210 appeals prior to the deadline for ballot printing, it issued a legal opinion on February 3 allowing candidates who formally appealed to run in the March election, with the proviso that candidates who won seats during their appeal would be subject to postelection

vetting. Ultimately the cassation chamber completed its vetting process prior to the elections, reinstating 26 candidates.

The country's political parties tended to be organized along either religious or ethnic lines. Shia Islamist parties, such as the Islamic Supreme Council of Iraq, al-Dawa al-Islamiyya Party, and Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the secular Iraqiyya, 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 give preference in government employment to their respective members. In all, 160 regular parties, 36 independents, and 10 minority parties and candidates participated in the elections. In the month prior to the elections, the five major political party coalitions signed an electoral code of conduct pledging to refrain from inciting sectarian or ethnic tensions and promising to accept the results of the election.

The 2009 election law calls for an open list election in multiple districts. The open list measure contributed to enhanced transparency of electoral politics and accountability of elected officials, but it created additional challenges for voter education, ballot design, and related electoral preparations necessitating a postponement from a January 21 to March 7 polling day for most voters. Polling procedures included special voting periods for security personnel as well as citizens who were hospitalized and incarcerated. The law expanded the number of seats in the parliament from 275 to 325. Of those seats, the law reserves eight compensatory seats for minorities: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dohuk; one Yazidi representing Ninewa; one Sabeen-Mandaean representing Baghdad; and one Shabak representing Ninewa. The law also harmonized language defining internally displaced persons and opened the process to out-of-country voting for refugees and citizens abroad.

The constitution mandates that female members of parliament constitute 25 percent of the COR. There were 81 women elected to the COR, including candidates elected through the open list system. In the previous COR, women chaired two of the 24 standing committees. In the previous government, there were five female ministers of 37 in the cabinet: the ministers of state for women's affairs and for provincial affairs, and the ministers of human rights, environment, and housing and construction. Three cabinet members were from religious and ethnic minority groups: the minister of human rights, the minister of industry and minerals, and the minister of youth and sports. In the current government, there were two female ministers of 44 in the cabinet (minister of state for women's affairs and minister of state without portfolio), and three cabinet members from religious and ethnic minority groups: minister of environment, minister of youth and sports, and minister of state for provincial affairs. In the current COR, there were two women chairing a standing committee.

The KRG had planned provincial elections for November for the provincial councils in Sulaymaniyah, Erbil, and Dohuk, but the KRG postponed the elections. At year's end, the Kurdish parliament had not set a new date for the elections. Press reports suggested that the KRG postponed the elections in order to avoid anticipated electoral losses by the PUK party in Sulaymaniyah, where the opposition Goran party was expected to gain electoral votes.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the Government did not implement the law effectively. Large-scale corruption pervaded the Government, and public perception of government corruption and impunity continued to be strong. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to pursue political and personal agendas. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. In July the United Nations Office on Drugs and Crime, the United Nations Development Program, and the Central Organization for Statistics and Technology within the Ministry of Planning and Cooperation Development released a report on the working conditions and integrity of civil servants within four ministries. Among the findings, 24 percent of the staff that had daily contacts with private business within the Ministry of Trade received at least one bribe offer, and 72 percent of all civil servants would not feel adequately protected if they reported corruption within their ministries, of whom 73 percent would not feel adequately protected from physical harm. Government anticorruption officials and the media consistently commented on the pervasive corruption in society.

During the first six months of the year, prosecution of corruption cases increased, but officials combating corruption faced persistent political, social, and capacity restraints. They also faced physical threats and attacks. One inspector general reported that those involved in investigating corruption “are facing serious risks without personal security details and other protective measures to do their jobs and stay alive at the same time.” On September 26, Laieh Muhammed, who executed arrest warrants for the Commission on Integrity (COI), was killed on his way to work at a checkpoint into the International Zone. He was the second COI employee killed by a silenced pistol. According to the COI, 40 personnel had been murdered in the line of duty since 2004. Credible information on the nature and extent of corruption in the judiciary was lacking, but such corruption was widely believed to exist.

Anticorruption institutions were fragmented, and their interaction was hampered by a lack of consensus about their role, partly due to a lack of effective legislation as well as to insufficient political will to eliminate widespread corruption. Lack of accountability continued to be widespread, reinforced by several statutory provisions, unclear regulatory processes, and limited transparency.

The law does not provide public access to government information for citizens or noncitizens, including foreign media. Certain government officials, such as ministers, governors, and parliamentarians, are required by law to file financial disclosure reports, but the Government did not enforce the requirement. The COI reported that only 24 percent of new COR members had complied with the law, while 76 percent of former (pre-March 7 elections) COR members had complied. Ten of the 18 provincial governors had complied. The Council of Ministers had a 100 percent response rate.

The COI, established in 2004 as the Commission on Public Integrity, is the Government body 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 approximately 1,300, reports to the commissioner of integrity, and the COR and has the authority to refer cases to the judicial investigators for possible criminal prosecution. The commissioner was appointed by the prime minister in 2007. He has never been confirmed by the COR and was therefore subject to replacement at the prime minister's discretion. The same was true of most investigators general (IG).

According to a prime ministerial order, the COI does not initiate cases and has instructed the ministerial IGs to perform all initial investigations. Although the order remains in effect with the IGs initiating 95 percent of all investigations, the COI initiated several high-profile investigations with the knowledge of the Prime Minister's Office. Each ministry has an IG charged with performing audits, inspections, and investigations to reduce fraud, waste, and corruption. In practice this order placed the ministers in control of any investigation of corruption within their own ministry and permitted them to halt corruption proceedings against their employees. There were documented instances where the ministers have ordered major corruption investigations to be dropped. As in previous years, ministries effectively stalled investigations by failing to provide information or not complying with requests for officials to appear in court.

The prime minister's approval is required before corruption cases proceed against members of the presidency or the Council of Ministers. Information on specific instances of the prime minister and ministers using these tactics during the year was not available. Judicial authorities reported that the practice constituted a significant obstacle to the prosecution of corruption cases.

Under a section of the criminal code (136[b]), prosecutors must receive permission from the relevant minister before an official can be brought to trial for an offense related to official duties. In 2009, 54 persons were shielded from prosecution by the use of the provision. In the first half of the year, ministers halted 96 investigations. The threat of invoking 136[b] or failing to provide information was usually effective in stopping investigations. For example, the interior minister terminated an investigation into the ministry's purchase of fraudulent bomb detectors from a British company, although the ministry's IG determined that 75 percent of the contract value was given to government officials in bribes.

While the COI remained undeveloped as an institution, especially in the provinces, it steadily increased the number of corruption-related arrests. For the first six months of the year, 982 cases were sent to court, compared with 972 during 2009. For the first six months of the year, there were 181 convictions, compared with 285 in 2009. According to the COI, by October 31, approximately 2,300 defendants were referred to the courts during the year, resulting in 600 individuals receiving jail sentences. An estimated 10 percent of the persons convicted were government officials with the rank of general director or higher. The Ministry of Defense had the largest number of employees referred to the judicial system, followed by the

Ministry of Interior and Ministry of Municipalities. On May 30, the COI arrested three state-owned bank managers and issued arrest warrants for four merchants and an owner of an Iraqi company for using government funds to fund a private business.

The addition to the ministry IGs and the IGs for the municipality of Baghdad, the Property Resolution Commission, the Hajj and Umrah Pilgrimage Commission, the Commission of Political Prisoners, and the country's multiple religious endowments, and the Board of Supreme Audits (BSA), which is the country's oldest anticorruption agency, perform external audits of government ministries and agencies. The BSA also audits the offices of the prime minister, the Presidency Council, and the presidency of the COR, as well as expenses claimed by members of the COR.

Aside from the core institutions of the COI, the inspector general, and the audit board, the COR maintains an Integrity Committee charged with oversight of executive branch and anticorruption agencies. By executive order the prime minister created the Joint Anticorruption Council in 2007 to integrate anticorruption initiatives; it includes representatives of the COI, IGs, the BSA, COR's Integrity Committee, and the Higher Judicial Council and is chaired by the Council of Ministers secretary general.

The media and NGOs continued to expose corruption, although their capacity to do so was limited.

Published on March 24, the Government's Anticorruption Strategy for 2010-14 identifies more than 200 specific anticorruption challenges, along with an action plan for addressing each. The Joint Anticorruption Council, with the COI acting as the lead, has responsibility for supervising compliance with the strategy, which also seeks participation from religious and community leaders, civil society representatives, and journalists. At the end of the year, 29 of the 34 ministries had complied with the strategy's requirement to submit an anticorruption plan for COI review.

In 2008 the KRG established a corruption committee, composed of government officials, to review levels of corruption and make recommendations on how to prevent corruption. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures. In July 2009 KRG Prime Minister Nechirvan Barzani announced the summary results of the accounting firm's report, including a recommended anticorruption strategy. In December, KRG parliamentarians established the Kurdistan Integrity Committee with the objective to create a centralized BSA and a Commission of Integrity in the KRG. As of year's end, the separate BSAs in Erbil and Suleymaniyah had yet to merge, and the Iraqi COI had not received permission to operate officially in the KRG.

On April 21, former minister of trade Abd Falah al-Sudani was acquitted for lack of evidence on certain charges of corruption and mismanagement within his ministry which oversees the country's vast public food ration program. Sudani remained at large, and the Commission of Integrity continued to pursue other corruption charges against him at year's end, while others indicated an intent to repeal the acquittal. Al-Sudani resigned from his post in May 2009 and was then charged with corruption and arrested while fleeing the country. The court released al-Sudani's brother, Sabah al-Sudani, who was also arrested after he was stopped with 170 million dinars (\$150,000) and attempted to bribe a police officer. Three Ministry of Trade officials involved in the case, including the director general of the Grain Import Board, were convicted of negligence; one received a two-year prison sentence, and the other two received one-year sentences.

In November 2009 authorities discovered that the head of the Baghdad Amanat's Accounting Department and 13 other persons, several of them her relatives, had stolen more than 23 billion dinars (\$20 million). The authorities arrested the 13 suspects, but the department head fled the country. Government authorities worked in coordination with neighboring countries to arrest her on June 19 as well as recover a substantial portion of the stolen funds. The suspects remained in custody at year's end.

As of year's end, the commissioner of integrity and several IGs lacked full authority because their names had not been submitted for parliamentary confirmation, as required by law.

The constitution provides COR members immunity from arrest unless the member was caught in a criminal act or charged with a felony and the COR overturned immunity by a majority vote.

The central government and the KRG maintained inflated public payrolls. Ministries and public sector institutions employed nonexistent "ghost" employees, and political patronage was common at all levels of government. Ministries were beginning to establish automated payroll deposits and conduct workplace audits with the BSA to cut back on "ghost" employees. Rates of absenteeism and desertion among

the ISF continued to decrease. During the year in the KRG there were an estimated one million employees on the Government payroll of a total population of approximately 3.9 million.

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 reports in all 18 provinces, at the national and regional levels, of opaque public tender processes, favoritism in contracting, and excessive discretion of public officials in procurement decisions.

Corruption along the country's borders existed as well. A September 22 media report detailed a security operation against trucks smuggling oil outside the country. The Government worked independently and with the international community to address structural and capacity issues in this area.

Local and foreign 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.

Anticorruption, law enforcement, and judicial officials, along with members of civil society and the media, continued to face threats and intimidation for vigorous pursuit of corrupt practices.

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

During the year the Government had a mixed record cooperating with NGOs. Although the Government expressed a willingness to cooperate with the UN and its agencies on human rights issues, as seen in its participation in the Universal Periodic Review, practical cooperation was limited, with the Government citing security restrictions. Government cooperation with NGOs was evident during the election, with tens of thousands of independent election observers deployed throughout the country.

During the year activity and advocacy by the country's NGOs contributed to democratic governance. While domestic human rights NGOs remained affiliated with a political party or with a particular sect, space for independent NGOs was opening. Branches of international NGOs and NGOs serving women remained the most forward leaning. Overall, NGOs still faced numerous challenges and did not systematically serve as bulwarks against failures in governance and human rights abuses.

On January 25, the Government passed a law on NGOs that was designed to facilitate NGO registration and operations while providing extra protections from onerous and arbitrary government actions. Provisions in the new law included the following: NGOs are permitted to receive foreign funding and affiliate with foreign entities (including the UN and ICRC, for example) without prior approval from the Government; the Government cannot deny NGO registration without attributing the denial to a specific provision of law; criminal penalties (including imprisonment) were removed for membership in an improperly registered NGO; the Government can only audit or inspect an NGO office with cause; and the Government must obtain a court order to suspend an NGO or confiscate its property. The new law became effective on April 7. The Council of Ministers Secretariat NGO Assistance Office was in the process of implementing regulations consistent with the new law. One office in the country located in Baghdad accepted registrations for NGOs.

During the year there were reports that the police conducted unannounced and intimidating visits to some NGOs, demanding photographs, passport details, names, and addresses of all staff and their family members. NGOs reported that the new law aimed to remedy this situation.

The poor security situation continued to limit the work of NGOs. On January 18, gunmen killed five persons of a domestic humanitarian NGO in its Baghdad office and afterwards detonated a car bomb, wounding two police responders. However, such direct attacks specifically aimed at NGOs remained rare. The Government did not take special steps to protect NGOs from targeting or harassment.

The Kurdish areas had an active NGO community, although local Kurdish NGOs generally were closely linked to and funded by the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The central government's attitude toward international human rights and humanitarian NGOs was one of moderate cooperation. The Government did not mandate additional registration requirements for international human rights and humanitarian NGOs outside visa requirements for international staff. Information was not available regarding the existence of any government efforts to refuse visas for international NGO staff or restrict access into the country. Due to security concerns and

the costs of addressing those concerns, many international NGOs established offices in Erbil in the KRG and then hired local staff for activities outside the KRG.

The Government generally cooperated with the UN Assistance Mission for Iraq (UNAMI) and the international governmental organizations associated with it. For example, Security Council Resolution 1883 (2009) mandated the UNAMI to advise, support, and assist the Government and IHEC with the March 7 COR elections, which international observer missions and Iraqi observer networks declared were free from widespread or systemic fraud. The Government permitted visits by various UN representatives of all levels; for example, by the UN representative of the secretary general on the human rights of internally displaced persons, Walter Kalin, in late September and the UN secretary general's high-level coordinator who handles Iraq-Kuwait issues, Ambassador Gennady Tarasov. UNAMI and its affiliated organizations regularly release reports on a wide range of issues. There have been no reports of any government efforts to block release or distribution of UNAMI publications.

In 2008 the Government signed a headquarters agreement with the ICRC, granting it legal status and permanent representation in the country. The COR had not ratified the agreement by year's end, but the ICRC benefited nonetheless from its provisions.

All nongovernmental investigations of alleged human rights violations continued to be restricted. The Government attributed restrictions to the security situation and its policy of allowing only the MOHR and the ICRC restricted access to detention facilities. The Government generally did not permit detention center or prison visits by NGOs. The MOHR met with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations. In 2009 the MOHR also initiated a program to train representatives of 32 domestic NGOs to visit and monitor prison conditions.

The MOHR attempted to monitor human rights abuses and advocate for and assist victims, and it 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 KRG human rights authorities was limited by a lack of trained personnel and effective follow-up throughout the Government on human rights issues.

In 2008 the COR's Committee on Human Rights passed legislation establishing an Independent High Commission on Human Rights. In December 2009 a Committee of Experts to select the commission's directors was formed, but the COR had not ratified its membership at year's end. The Government had not contributed any funds, and support from the international donor community was limited. The COR committee advocated publicly for raising standards in government detention facilities and prisons, and credible human rights organizations considered that to be valuable. The KRG's legislature formed a special committee to deal with human rights and detainee issues, but did not issue any public reports.

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

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits discrimination on the basis of race, disability, or social status. The Government did not effectively enforce these provisions.

Women.—The constitution provides for equal treatment before the law without discrimination based on gender; 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.

The penal code criminalizes rape, does not address spousal rape, and permits a maximum sentence of life imprisonment for rapists. There was no reliable estimate of the incidence of rape or the effectiveness of government enforcement of the law.

The constitution prohibits all forms of violence and abuse in the family, school, and society. Local NGOs and media reporting indicated that domestic violence often went unreported and unpunished 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 remained a serious problem, although no reliable statistics existed.

Domestic violence was also widespread in the Kurdistan region, including beatings, shootings, and burnings. Women have an unequal role in the family and in the social structure of the region. Although technology has made it easier for women to contact others outside their immediate family, this has led to sometimes violent disputes over who a woman can talk to or what she can do outside the home. For the first eight months of 2009, the domestic NGO Human Rights Data Bank recorded 363 incidents of battery against women, 295 reported threats, 40 murders, and 32 sexual assaults in the KRG.

Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences.

According to a 2009 UNHCR report, honor killings were prevalent in all parts of the country. For the first nine months of 2009, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008.

A KRG human rights official reported in 2008 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 nature of the crime made it difficult for authorities to find sufficient evidence to prosecute cases. KRG human rights authorities reported that 117 women died in honor killings in 2008; the KRG reported a total of 528 honor killings in 2009. UNAMI and civil society observers considered both figures to be low. KRG human rights authorities and the KRG's Honor Killing Monitoring Commission were active on women's issues, particularly on steps to end honor killings.

Both public and private shelters for women existed, but space was limited and service delivery was poor, with private shelters providing a slightly higher level of service. Shelters closely protected information regarding their locations. Some NGOs worked with local community mental health workers, employed by the Ministry of Health, who provided assistance to victims of gender-based violence. Other NGOs worked to provide legal assistance to these victims. NGOs played a role in providing services to victims of domestic violence who received no assistance from the Government. Authorities frequently attempted to mediate between women and their families to work out a peaceful solution for the women to return home. Other than marrying or returning to their families (which often resulted in the family or community revictimizing the shelter resident), there were few options for women who were housed at shelters.

Sexual relations outside of marriage for any reason are prohibited by law, including sexual solicitation often present in sexual harassment situations. The penalties include fines and detention. The criminal code provides relief from penalties if unmarried participants marry. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual harassment, victims of sexual harassment did not usually come forward to pursue legal remedies.

The Government generally respected the basic rights of couples and individuals to decide freely and responsibly the number, timing, and spacing of children and to have the means to do so free from discrimination, coercion, and violence. Apart from the general insecurity in the country and attendant economic difficulties, there were no impediments to access to information on family planning, contraception, and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric care and postpartum care. Many women received inadequate medical care due to a lack of essential drugs, transport to referral institutions, and medical personnel lacking training in emergency obstetric care. Women were at increased risk of poor birth outcomes with high rates of anemia, short birth intervals, early marriage, and early pregnancy.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights equally to men. Throughout the country women reported pressure to wear veils. Islamic extremists targeted women 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 also reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public.

The Ministry of State for Women's Affairs, with an approximately 18-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Women experienced economic discrimination in access to, and in terms of, employment and occupation, credit, and pay equity for performing similar work or managing similar businesses as men. The security situation disproportionately affected women's ability to work outside the home. Weak labor laws and the lack of an equal

opportunity employment law left women vulnerable to arbitrary dismissal. Government efforts to combat economic discrimination against women are minimal and unsystematic.

Children.—The constitution states that anyone born with at least one Iraqi parent shall be considered a citizen. The Government in general was committed to children's rights and welfare, although it denied benefits to noncitizen children. Their families had to pay for services that were otherwise free, such as public schools and health services. Except for several hundred Palestinian families, they were not eligible for the national food rationing program.

Primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. Education is free for children at all levels.

Helping street children remained a challenge for the Government, NGOs, and international organizations. Many street children remained from the war and the ensuing sectarian fighting. Extremists' attacks also resulted in orphaned children. There is no adoption under the law, only guardianship for extended family or friends who can provide for the child in Iraq. The law does not permit foreigners to obtain legal guardianship of Iraqi children. Although orphanages existed, there was little evidence of an established culture of informal adoption for nonrelated children.

Female genital mutilation (FGM) is not illegal and is a common practice particularly in the rural areas of the Kurdistan region and other areas of the country where Kurdish communities live. Several NGOs that worked to halt FGM had anecdotal evidence that in rural villages as many as 90 percent of women had undergone the procedure, and in urban areas as many as 30 percent. The Government offered no substantive assistance for victims of FGM.

On February 6, the Association for Crisis Assistance and Development Cooperation (WADI) released the findings of a representative empirical study on FGM in the Kurdistan region which noted that the majority of women in the region had undergone FGM. On June 16, Human Rights Watch released a report describing the experiences of girls and women who had undergone FGM. On July 6, the High Committee for Issuing Fatwas at the Kurdistan Islamic Scholars Union issued a fatwa declaring that "female circumcision" was a pre-Islamic practice that should be avoided for health reasons. On July 12, the Ministry for Endowments and Religious Affairs in the KRG asked clerics to note in sermons and Friday prayers that FGM was not an Islamic practice.

Although there were no statistics, a tradition of marrying young girls (as young as 14 years old) continued, particularly in rural areas.

Sexual relations outside of marriage for any reason, including rape, are prohibited by law. Producing, importing, publishing, or possessing written material, drawings, photographs, or films that violates public integrity or decency (including pornography of any kind) is prohibited. Rape is a serious offense, which can result in long prison terms, including life imprisonment. The penalties for violating public integrity or decency include fines and detention. No information was available regarding the effectiveness of government enforcement. Due to social conventions and retribution against both the victim and perpetrator of sexual relations outside marriage, victims of sexual crimes did not usually come forward to pursue legal remedies.

Individuals do not need parental permission for marriage upon reaching 18 years old. Consequently, the minimum age of consensual sex is 18.

Despite laws against child labor, children often worked illegally on farms or in street commerce. In accordance with the labor law, MOLSA established an inspection service to ensure compliance with the law as it relates to prohibitions on child labor in the private and public sector.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The majority of the Jewish community, which was estimated to number 117,000 in 1947, left in the years immediately following the creation of the state of Israel in 1948. Virtually all of the remaining Jews left the country over the passage of the following decades. Fewer than 10 Jews remained in Baghdad, and none were known to live in other parts of the country.

The criminal code stipulates that any person promoting Zionist principles, or who associates himself with Zionist organizations or assists them by giving material or moral support or works in any way towards the realization of Zionist objectives, is subject to punishment by death.

There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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. The Government made efforts to ensure access by persons with disabilities during the March 7 election.

The constitution states that the Government, through laws and regulations, should care and rehabilitate persons with disabilities and special needs to reintegrate them into society. There are no laws prohibiting discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, or the provision of other state services. Access for persons with disabilities to buildings remained inconsistent.

The Government has programs aimed to help persons with disabilities; however, numerous media reports documented the challenges these programs faced, namely in the lack of qualified, trained personnel and large special needs populations. Amputees, persons with other major physical injuries, and persons suffering from mental/psychological trauma were the focus of most media reports. The Health Ministry provides medical care, benefits, and rehabilitation, when available, and persons with disabilities may qualify for benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor and Social Affairs operates several institutions for children and young adults with disabilities. The Ministry of Health's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population.

National/Racial/Ethnic Minorities.—The country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Many consider the Assyrians and Chaldeans to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs. The country also has citizens of African descent, "Black Iraqis," a population that community representatives estimated to number more than one million. According to Minority Rights Group International, the largest Black Iraqi community is in Basra; a significant number reside in Sadr City in Baghdad as well.

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 disputed territories under the de facto control of the KRG, including Turkmen, Arabs, Yazidis, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process, 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. Within the three provinces of the KRG, there was little evidence of KRG discrimination against religious and ethnic minorities. Minority communities operated their own schools and were represented both in the parliament and executive branch of the KRG.

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.

A population of 1.5 to 2 million Black Iraqis reported economic and social discrimination. UNAMI estimated in October 2009 that more than 80 percent of the Black Iraqi population was unemployed. Minority Rights Group International reported that many were laborers or worked as domestic workers.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was no law specifically prohibiting homosexual relationships, although the penal code prohibits the act of "buggery," or sodomy, irrespective of gender. The law calls for imprisonment only if the "victim" is under the age of 18. There was no data on how often, if ever, persons were prosecuted for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual homosexual acts and persecution against participants in consensual homosexual relations, this activity was unreported.

In light of the law, the authorities rely on public indecency charges or confessions of monetary exchange, (i.e., prostitution, which is illegal) to prosecute homosexual

acts. Homosexual persons often faced persecution and violence from family and non-governmental actors. The procedures used to arrest such persons were also used to arrest indiscreet heterosexuals who may be in sexual relations with persons other than their spouses.

Due to social conventions and potential persecution, including violent attacks, lesbian, gay, bisexual, and transgender (LGBT) organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Societal discrimination based on sexual orientation and gender identity in employment, occupation, and housing was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity. There were no government efforts to address this discrimination.

While there were fewer reports of discrimination and violence against gay men and lesbians than in 2009, discrimination and violence against such persons continued. On June 23, the London newspaper the Guardian reported that police in Karbala attacked and detained six persons, of whom two were gay men, one lesbian, and two transgender persons. The article reported that one of the men went to a hospital two days later with a throat wound and allegations of police torture. On June 29, the newspaper Al-Bayyna Al-Jadidah reported the arrest of college-age, gay men who allegedly confessed to committing “unethical” acts. The article, which highlighted the legal steps taken to secure a judicial order prior to the search and arrest, ended with “greetings to those awake eyes (security/informant forces) that pursue all homosexuals.”

As of year’s end, authorities had not announced any arrests or prosecutions of any persons for abusing, killing, torturing, or detaining any LGBT individuals.

Other parts of this report contain related information (see sections 1.c, 2.c., and 6.d.).

Section 7. Worker Rights

a. The Right of Association.—The constitution states that citizens have the right to form and join unions and professional associations with certain restrictions. The Saddam-era labor codes, which are still in effect, place limitations and conditions on these rights. Public sector workers who are not executives can legally form or join unions, but regulation classified most public sector workers as executives. Workers in state-owned enterprises can form or join unions. Unions in the public sector and state-owned enterprises are not independent; they are sponsored by the state. Private-sector employees who work at establishments employing more than 50 persons may form and join unions that have limited rights. Private-sector unions have the right to seek government arbitration for labor disputes, but not the right to strike.

Labor Law 150 of 1987 is still in effect and states that trade union organizations should “play an effective role in the organization of labor relations, in the protection of workers’ rights, and in the development of their personalities.” However, it declares virtually all public sector workers to be government “executives,” and therefore legally ineligible to form or to join unions. The rights of migrant workers are not covered under this law. The provision in effect eliminated unions and the right of association from the large public sector. Although the number of formal unions and associations remains undefined, workers in state-owned enterprises have generally been organized along sectoral lines stemming largely from state employment. The largest sectors with the most active unions or associations are oil/petrochemical, industrial and defense manufacturing, and education.

In the private sector, the 1987 Trade Union Organization Law states that employees can form workers’ committees, with limited rights of association, in private-sector work sites employing more than 50 workers. Originally, this was also intended 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 legal and regulatory framework, combined with violence, insecurity, high unemployment, and lack of decent work standards provided for unacceptable conditions for working people. Nevertheless, labor organizations in state-owned enterprises were active during the year despite threats and harassment to union leaders. In January the Government imprisoned the president of Basra’s Iraqi Teachers Union. In March the president of the Iraqi Federation of Oil Unions was charged with accusations that he was endangering the economy through union activity. On March 18, workers of the Southern Refinery Company held a three-hour strike. On April 1, the company transferred four leaders of the Refinery Workers Union in

Basra. On July 21, the Government expelled the Electrical Utility Workers Union from its Basra offices.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations. Although the private sector expanded only modestly during the year, workers in the private sector continued to enjoy the right to form workers' committees at work sites employing fewer than 50 persons.

The constitution states that every citizen has the right to demonstrate and strike peacefully in accordance with the law; however the 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. Strikers were harassed and threatened for striking during the year. In March the media reported that security forces (army and police) dispersed an oil worker demonstration in Basra and arrested two demonstrators. According to October 10 press reports, Hassan Juma'a and Fali Abood, the president and general secretary, respectively, of the Federation of Oil Employees of Iraq were banned from travel outside the country. In June the authorities surrounded protesting longshoremen in Basra and transferred union leaders hundreds of miles from their homes.

The Government was the largest employer in the country; reliable estimates indicated the public sector accounted for approximately 30 to 35 percent of the total workforce. There were no government-sponsored prosecutions or attacks on trade union activists during the year, although the Government appeared to use transfers to remove troublesome union leaders from active union activity.

b. The Right to Organize and Bargain Collectively.—The 1987 labor code in practice ruled out the existence of labor unions able to carry out free and independent union activity and therefore effectively prohibited 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 were able to play a supportive role in labor disputes, and they had the right to demand government arbitration, a process the Government only recently began to address in its commercial courts and judicial training. The 1987 Trade Union Organization Law defined "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 were empowered to rule on labor code violations and disagreements. MOLSA officials, who were also charged with ensuring that public- and private-sector employers provided workers government-mandated social security, pension, health care, and other benefits regardless of company size, readily acknowledged that enforcing these social safety net laws was more difficult without the partnership and cooperation of strong unions.

Migrant workers are prohibited from collective bargaining rights and are not allowed to join 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.

The laws and decrees did not prohibit antiunion discrimination by employers or others.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however this is not monitored or enforced. Migrant workers were sometimes subjected to abusive forced labor. The MOI, in coordination with MOLSA, reviewed applications for special worker status. According to MOLSA, most migrant applications were denied to protect domestic workers and industry. When the Government uncovered cases of exploitation of foreign workers, it worked in conjunction with international organizations to repatriate the victims. The Government did not have an effective means of monitoring or enforcing decent work standards for the workforce, both citizens and migrant workers.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The constitution and law prohibit the worst forms of child labor. The Government was not able to monitor or enforce these laws effectively. The law limits working hours for workers younger than 18 and prohibits their employment in dangerous occupations. The minimum age for employment is 15. Employment of anyone younger than 16 in work that is detrimental to health, safety, or morals is prohibited. The MOLSA Child Labor Unit continued to enforce child labor standards, but its work suffered from insufficient personnel and budget resources. The ISF continued to make slow

but steady progress in its ability to pursue and interdict nonviolent crimes such as child labor violations.

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 family-owned automobile shops or on construction sites. Unconfirmed reports alleged the sale of children for indentured servitude.

The Government introduced a targeted, means-tested social safety network program in 2005 to reduce poverty and protect children against deteriorating living conditions in their households. Millions of families received benefits and services administered by MOLSA, but child labor remained problematic. The package included a child allowance, conditional upon school attendance; the Government also funded programs to assist former and current street children. International organizations and NGOs reported additional projects to enhance the protection of children.

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 12,000 dinars (approximately \$10) per day and for an unskilled worker less than 5,250 dinars (\$4.50) 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. These regulations were almost entirely unenforced. The Central Organization of Statistics and Information Technology reported that the average salary in 2009—the latest year for which information was available—was approximately 2.4 million dinars (\$2,100) per year, an increase over the previous year's figure of 1.78 million dinars (\$1,500). These earnings remained only marginally above poverty level and did not provide an adequate 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, restrictions on movement and communication, physical abuse, sexual harassment and rape, withholding of wages, forced overtime, and hazardous working conditions. Migrant workers have no legal protections and were not allowed to form or join unions.

The MOLSA occupational safety and health component 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; however, this right is not afforded to civil servants or migrant workers, who make up the majority of the country's workforce.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a multiparty parliamentary democracy with a population of approximately 7.7 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 1948. The 120-member, unicameral Knesset has the power to dissolve the Government and mandate elections. The February 2009 elections for the Knesset were considered free and fair. They resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Israeli security forces reported to civilian authorities. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

Principal human rights problems were institutional, legal, and societal discrimination against Arab citizens, Palestinian residents of the West Bank and the Gaza Strip, non-Orthodox Jews, and other religious groups; societal discrimination against persons with disabilities; and societal discrimination and domestic violence against women, particularly in Bedouin society. While trafficking in persons for the purpose of prostitution decreased in recent years, trafficking for the purpose of labor remained a serious problem, as did abuse of foreign workers and societal discrimination and incitement against asylum seekers.

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.

The petitioners withdrew their appeal to the High Court against the closure of the inquiry by the Department for Investigations against Police Officers' (DIPO) into the 2008 beating and subsequent coma and death of Sabri al-Jarjawi, a Bedouin. Instead, they appealed to DIPO, which denied the petitioners' appeal to reopen the case.

At year's end, an internal Israel Prison Service (IPS) investigation continued into the 2007 killing of a Palestinian prisoner, Mohammed al-Askar, during a riot at Ketziot Prison. Prisoners alleged that security forces improperly used crowd-dispersal weapons, including rubber bullets and beanbag projectiles. The IPS investigation was on hold pending the outcome of legal proceedings in the Beer Sheva Magistrate Court regarding the cause of death.

On July 21, the Supreme Court doubled the manslaughter sentence imposed by a lower court on police officer Shahar Mizrahi to 30 months in prison. The lower court convicted Mizrahi in 2009 of manslaughter in the 2006 shooting death of Mahmoud Ghanayem, who had attacked Mizrahi with a screwdriver when he tried to apprehend Ghanayem for suspected car theft.

Terrorist groups routinely fired rockets and mortars from the Gaza Strip into Israel. According to the Government, terrorists fired approximately 235 rockets and mortar shells into the country from the Gaza Strip during the year, an increase from 195 in 2009. On March 19, a rocket fired from the Gaza Strip killed a Thai citizen near the city of Ashkelon.

Israeli Defense Forces (IDF) Military Advocate General Mandelblit investigated all allegations relating to the 2008-09 Operation Cast Lead military incursion into the Gaza Strip, examining over 150 incidents, including those contained in the UN Human Rights Council's 2009 Goldstone report. In January and July, Mandelblit released updates on the majority of investigations, which included details of indictments against several soldiers for manslaughter, improper use of civilians in wartime, and misconduct. As of July the military advocate general launched 47 military police criminal investigations into IDF conduct during Operation Cast Lead and completed a significant number of them. On August 1, the IDF issued a new order appointing humanitarian affairs officers to each battalion to provide further protections for civilian populations during wartime planning and combat operations.

During the year the Military Investigative Police launched 147 investigations with regard to cases of death, violence, and property damage against residents of the West Bank and the Gaza Strip. In these cases the military advocate general filed 10 indictments against 12 soldiers suspected of committing criminal offenses against Palestinians. There were three convictions of four soldiers, no acquittals, closure of three cases by the military advocate general, and seven cases pending as of year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary cases determined to involve an imminent threat, or "ticking bomb" scenario.

During the year nongovernmental organizations (NGOs) filed numerous complaints alleging that security forces tortured or abused Palestinian residents of the West Bank and the Gaza Strip. On April 26, the Supreme Court rejected a July 2009 appeal by the NGO Public Committee against Torture in Israel alleging authorities use painful shackling during interrogations. The court noted the Government's response that shackling was governed by strictly defined procedures and observed that the Government had recently made several policy adjustments, including no longer shackling a detainee's hands behind the back.

On October 19, officers from the Ministry of Interior's Oz immigration unit allegedly beat and verbally abused with racial epithets five members of a black noncitizen family living in Ashkelon who had converted to Judaism and were awaiting a decision on their citizenship request. The immigration unit admitted detaining a family member in error but denied using physical force. The Ashkelon police department refused to allow the family to file a complaint against the officers.

On May 12, due to a police procedural error, the Jerusalem Magistrates Court canceled the indictment and postponed the trial of two Border Guard officers accused in November 2009 of assaulting Muhtaseb Muqtada, an Arab resident of Jerusalem. Officers Maor Malianker and Yossi Dahan allegedly beat Muqtada with a baton after asking for his identification. Malianker was also indicted on two other counts for allegedly using a radio device to hit a Jerusalem resident and falsely reporting he was attacked during a search.

The case of two border guards arrested by police in December 2009 for allegedly beating and stealing NIS 700 (\$197) from a Sudanese man in Eilat remained pending at year's end at the Beer Sheva District Court.

The case of three police officers who reportedly detained and severely beat East Jerusalem resident Tareq Abu Laban in 2008 remained pending at year's end. In November 2009 evidentiary hearings began in the case following a DIPO investigation.

In October evidentiary hearings began at the Beer Sheva Magistrates' Court in the case of police officers Iyad Huzeyl and Dani Havery, who were indicted for assault involving grievous injury against Fadi Darab'i, an undocumented Palestinian laborer, in 2008 in the town of Gan Yavneh.

On June 13, a court acquitted three border police officers of charges of aggravated assault for physically abusing Abd Tareq Ahrub, a West Bank resident detained for being in Jerusalem without a permit in 2006.

Prison and Detention Center Conditions.—The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. While various organizations found deficiencies, conditions in IPS facilities for common criminals and security prisoners generally met international standards according to international and domestic NGOs. (Conditions in four facilities for detainees are covered in the annex.)

According to news reports, a classified report in December by the Israel Bar Association (IBA) found that most of the prison service's isolation cells did not meet international standards. The reports stated the IBA study also described many isolated inmates' development of mental and physical health problems such as paranoia, fits of rage, and eyesight loss due to lack of natural light. The Government acknowledged the need to improve conditions for Palestinian security prisoners in response to a 2008 IBA report on Sharon and Hadarim prisons that noted, among other points, poor health conditions in those facilities.

The annual report of the Public Defender's Office describing conditions in prisons and detention centers in 2008 found grave deficiencies in the infrastructure of most prison facilities and the living conditions in many of them. In response to the report's claim that convicts in one-third of the prisons visited complained of violent and humiliating treatment, the Warden's Investigation Unit within the National Police (which is independent of the IPS) found complaints to be unfounded.

According to a December 27 Haaretz article, there were on average 13 unnatural deaths (from suicide, murder, or neglect) in prisons over the past decade. At year's end both the police and the prison service were conducting separate investigations into the causes of the unnatural deaths that occurred during the year. According to news reports, the state comptroller began an investigation into prison suicides in 2009 to determine their causes.

On April 16, 27-year-old Raed Abu Hammad died while in solitary confinement in a prison in the southern part of the country. Hammad was halfway through a 10-year sentence for attempted murder and suffered from medical conditions. The prison service was investigating the death at year's end.

As of December 14, there were 5,935 Arab security prisoners and detainees, 1,438 Palestinian criminal prisoners, 3,903 Israeli Arab criminal prisoners, 17 Jewish Israeli security prisoners, and 6,462 Jewish criminal prisoners.

Prisoners and detainees had reasonable access to visitors, including through a program of the International Committee of the Red Cross (ICRC) that brought relatives from the West Bank into the country for prison visits. The Government stopped a similar program for visitors from the Gaza Strip following the Hamas takeover of the Gaza Strip in 2007. In December 2009 the High Court ruled against a petition from prisoners' family members from the Gaza Strip, finding such visits did not constitute a humanitarian need. Travel restrictions into the country also affected Palestinian administrative prisoners' access to visitors and lawyers.

Prisoners were permitted religious observance.

The law allows prisoners to submit a petition to judicial authorities in response to substandard prison conditions, and the authorities investigated credible allegations of inhumane conditions and documented results of such investigations publicly.

The ICRC regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers but did not monitor security detainees in military detention centers. The Government also permitted the IBA and Public Defenders' Office to inspect IPS facilities, and they did so during the year.

The state comptroller serves as ombudsman and investigates public complaints received through the Public Complaints Commission against government ministries, local authorities, state enterprises and institutions, government corporations, and government employees. It functions as an effective mechanism for handling accusa-

tions of discrimination within government and public institutions, and it forwards complaints to the appropriate oversight bodies of nongovernmental entities that serve the public including banks and insurance companies. Any person may make a complaint regardless of citizenship, residency, or visa status.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel.

Role of the Police and Security Apparatus.—Under the authority of the prime minister, the ISA combats terrorism and espionage in the country and the occupied territories. The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Civilian authorities maintained effective control over the ISA police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The military is responsible for external security and has no jurisdiction over citizens.

DIPO investigates complaints against police officers and has the authority to indict or transfer cases for disciplinary trials. Continuing a plan to replace police with civil investigators, DIPO was staffed by 29 civil investigators and 19 police investigators at year's end.

The National 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 also provided mandatory Arabic language and culture classes for all new cadets.

Arrest Procedures and Treatment While in Detention.—The law provides that an arrested citizen is considered innocent until proven guilty and has the right to be represented by an attorney. According to a report by the Public Defender's Office covering 2008-09, many persons arrested by police were informed of their right to consult an attorney only after they were questioned and transferred to a holding facility. Authorities allowed detainees to contact family members promptly. 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, noncitizens 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, with limited exceptions allowing for up to 48 hours. Authorities respected this right in practice.

Suspects in nonsecurity cases are apprehended openly with warrants based on sufficient evidence and issued by an authorized official and generally were informed promptly of charges against them.

Persons detained on security grounds may fall under one or more of the three legal regimes. First, under a 2006 "temporary law" on criminal procedures that has been renewed three times, the IPS may hold individuals suspected of a security offense for 48 hours before being brought to a judge, with limited exceptions allowing up to 96 hours before being brought to the senior judge of a district court. The law allows the court to authorize holding a detainee for up to 20 days without an indictment in exceptional cases for interrogation. On February 11, the Supreme Court annulled a section of the temporary law that had barred access to a lawyer for up to 21 days and had enabled a court to impose further extensions without the detainee being present or informed of the hearing.

Second, the 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. Such detainees, almost all of whom were Palestinian residents of the West Bank, were permitted legal representation within seven days, extendable to as long as 21 days in limited cases with the attorney general's approval. If necessary the Government provided free legal representation. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and ultimately to the Supreme Court. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention.

At the end of the year, according to government figures reported by the NGO B'Tselem, there were 204 administrative detainees in IPS detention centers, including two minors. Most administrative detainees were held for less than one year, with 21 administrative detainees having been held consecutively for more than two

years. Administrative detainees constituted 3.4 percent of the 5,954 security-related detainees.

Third, the 2002 Illegal Combatant Law permits holding a detainee for 14 days before review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and allowing indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. In 2008 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. Amendments to the law in 2008 expanded its internment powers, which may be exercised in the event of "widespread hostilities," an occurrence that has not happened to date. At the end of November, authorities held three Palestinian residents of the Gaza Strip in detention under the Illegal Combatant Law.

Human rights groups alleged military commanders in the occupied territories used administrative security detention orders based on "security reasons" even when the accused posed no clear danger. NGOs complained these laws removed the standard procedural safeguards from security suspects.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no assurance of, legal representation. According to the NGO Hotline for Migrant Workers (Hotline), interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings despite a 2002 written commitment by the Government to the Supreme Court to provide interpreters, and persons held in immigration detention rarely were released prior to judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, the individual could remain in detention for months.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respected this provision in practice.

The judicial branch comprises magistrate courts, six district courts, and the Supreme Court, which also sits as the High Court of Justice. Magistrate courts adjudicate misdemeanors and lesser civil disputes. District courts adjudicate felonies, serious civil cases, appeals from the magistrate courts, and several other largely administrative matters. There are also military, religious, labor relations, and administrative courts. The High Court of Justice exercises judicial review over the other branches of government and can exercise power on matters that are not within the jurisdiction of any other court or tribunal. The High Court of Justice is a court of first instance for claims against the Government. Its members also sit as the Supreme Court and hear appeals of lower court rulings, Knesset elections, administrative detentions, prisoners' petitions, and rulings of the Civil Service Commission and bar association. Religious courts have jurisdiction over matters of personal status for their adherents; there are no civil courts for marriage or divorce for the hundreds of thousands of citizens for whom religious courts are not a legal option.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, administrative detainee hearings are not trials and do not follow trial procedures.

By law an arrested citizen is considered innocent until proven guilty. There are no trials by jury. 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. At the discretion of the court, security or military trials may be open to independent observers but not to the general public. Defendants have the right to be present and to consult with an attorney in a timely manner. All indigent defendants facing trial and 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, present witnesses on their behalf, access evidence (except when the court determines such access would compromise state security), and appeal.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials of Palestinians and others applicable in the occupied territories under military law are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions to be based solely on confessions. In military trials, prosecutors often present secret evidence that is not available to the defendant or counsel. 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, but in practice almost all detainees had counsel even in minor cases.

The defendant and public are read the indictment in Hebrew and, unless the defendant waives this right, in Arabic. In past years, many indictments were translated into Arabic, but, since according to the Government no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

Political Prisoners and Detainees.—There were no reports of citizen political prisoners or detainees, although NGOs alleged there were noncitizen political detainees.

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. On February 7, former deputy attorney general Yehudit Karp sent a memo to Attorney General Yehuda Weinstein listing 11 contempt of court ordinances and Supreme Court rulings that had not been implemented. On August 1, Attorney General Weinstein issued guidelines noting the need to implement court orders.

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 Ministry of Defense must issue the order. Under emergency regulations, authorities may open and destroy mail on the basis of security considerations.

The law provides for 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. To access private communications records, investigators must demonstrate that their goal is to save or preserve life, investigate or prevent crime, or seize property in accordance with the law.

Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services, although the great majority of Jewish Israelis are not Orthodox. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, or marriage of a Jew to a non-Jew must take place outside the country to be legal. According to the NGO New Family Organization, more than 5,000 couples married in civil ceremonies abroad each year, mostly in Cyprus, and then registered in Israel's population register. The Rabbinical Court presides over divorces if it recognizes both spouses as Jewish; the Family Matters Court grants divorces in all cases outside of the religious tribunal's jurisdiction. The Government allows consular marriages as long as both parties have no religion or belong to a religious community that the state does not recognize.

The law prohibits dismissing a worker who becomes pregnant who has worked at least six months for the same employer. However, the law also mandates that foreign workers leave the country no later than three months after giving birth; those who stay lose their legal status. In 2005 several NGOs appealed to the Supreme Court against this procedure; the appeal remained pending at year's end.

Many Jewish citizens objected to exclusive Orthodox rabbinic 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 Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. The estimated 20,000 Messianic Jews, who believe Jesus is the Messiah and consider themselves to be Jews, also often experienced this infringement on their personal lives, since the Orthodox Rabbinate did not consider them Jewish. A 1996 law requiring the Government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

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 Interior. On July 27, the Knesset extended for another year the temporary 2003 Citizenship and Entry Law, which prohibits a citizen's Palestinian spouse from the occupied territories not only from acquiring citizenship by marriage, but also from residing in the country. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits. The Mossawa Advocacy Center for Arab Citizens in Israel (Mossawa) claimed the law affected more than 21,000 families, including couples with long-standing marriages. The Government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification.

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 may criticize the Government publicly and privately without reprisal. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

The independent media were active and expressed a wide variety of views without restriction. The country 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. Laws dating from the British mandate require licenses from the Interior Ministry for 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 broadcasts 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.

The Government prohibited all citizens, including journalists, from entering the Gaza Strip; those who entered were subject to legal penalties such as fines and restraining orders, but no journalists were fined during the year. All foreign journalists operating in the country require accreditation from the Government Press Office.

All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The Interior Ministry has no authority over the military censor.

News printed or broadcast abroad is subject to security censorship. The Government did not fine newspapers or other mass media for violating censorship regulations during the year. On June 6, the Supreme Court commuted to community service a sentence of two months in prison and six-month suspended sentence imposed by a district court on journalists Khader Shaheen and Muhammad Sarhan for breaching the military censorship law during the Gaza Strip offensive. Police had charged the two men in January 2009 with divulging secret information and transmitting information to the enemy in wartime. The charges were filming and broadcasting live to Iran the IDF movements toward the Gaza Strip a half hour before the start of the ground offensive.

Internet Freedom.—There were no government restrictions on Internet access. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, although the Government monitored cellular and landline telephones and Internet service providers for security purposes. The International Telecommunication Union reported that approximately 63 percent of the country's inhabitants were Internet users in 2009.

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

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 2007 High Court of Justice order, no more than 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 that could be employed to harm the country. Students from the Gaza Strip are not eligible to apply.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice.

Throughout the year weekly protests in the East Jerusalem neighborhood of Sheikh Jarrah took place against the implementation of court decisions regarding property ownership. On January 15, police arrested 17 activists, including Association for Civil Rights in Israel (ACRI) Executive Director Hagai El-Ad, when they held a protest after being denied a permit. Two days later the Jerusalem Magistrate's Court ordered the protesters released and ruled that the police could not require a permit for the protests.

Police have the authority to declare protests illegal and disperse them to uphold public safety. On November 17, police in Tel Aviv allowed a peaceful demonstration of students protesting a bill providing stipends solely to yeshiva students but declared the gathering illegal following protesters' use of smoke grenades and at-

tempts to disrupt traffic. The students then violently clashed with police, resulting in 12 injured students.

At year's end, a DIPO investigation continued into a complaint by NGOs Adalah and the Arab Association of Human Rights concerning police behavior during clashes with 15,000 Arab-Israeli demonstrators in 2008 in the former Arab village of Safouriya, now a Jewish community. There were conflicting claims about responsibility for violence during the "Nakba" (catastrophe in Arabic) demonstration that marked the anniversary of the establishment of the State of Israel. Adalah released video footage that reportedly 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.

Freedom of Association.—The law provides for the right of association, and the Government generally respected this right in practice.

Under the 1980 Law of Associations, 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 NIS 2.5 billion (\$703 million) per year. Government funding for NGOs disproportionately favored Jewish NGOs, especially those that promote "traditional and religious Jewish activities."

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 them in practice for citizens. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some refugees, asylum seekers, and other persons of concern.

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. In addition no citizen is permitted to travel to any state officially at war with the country without government permission. All citizens required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the Government allowed Arab citizens some access without permits. Arab citizens regularly complained of discrimination and degrading treatment by airport security officials. A Supreme Court decision in a 2007 petition by ACRI and Adalah regarding alleged ethnic profiling was still pending at year's end. The court postponed a December hearing on the Government's comparative legal analysis of its security screening methods.

The law prohibits forced exile of citizens, and the Government respected this prohibition in practice.

Protection of Refugees.—The Government has not enacted legislation implementing the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. NGOs criticized new asylum regulations released on December 13 that require applicants to submit claims within one year of arriving in the country; authorize the Ministry of Interior to reject applications without appeal even at the registration stage; and, in various accelerated procedures, exclude "enemy nationals" from receiving asylum in the country; and lack an independent appeal process. The Government arrested a number of persons immediately following rejection of their refugee status claims, causing a decrease in new applications. A number of formal and informal arrangements provide for the protection of some asylum seekers.

The Interior Ministry's Authority for Immigration and Border Crossings implements government policy and is responsible for foreign nationals and population issues. The authority consolidates all relevant bodies dealing with immigration issues, including asylum seekers. In July 2009 the Government assumed from the UNHCR the process of registering and conducting determinations of refugee status for all asylum seekers; however, domestic NGOs argued that the new regulations and procedures for the registration and status determination of asylum seekers were flawed. According to the Tel Aviv University Refugee Rights Law Clinic, the Government failed to provide asylum seekers copies of their interview transcripts or sufficient explanations of their determinations. After an appeal by the Refugee Rights Law Clinic and other NGOs, the Supreme Court issued a temporary injunction mandating that asylum seekers be accompanied by legal representatives in interviews,

but the Government continued to bar paralegals, and most asylum seekers could not afford counsel for hearings.

The National Status Granting Board (NSGB), composed of four members from the ministries of interior, justice, and foreign affairs, processes asylum applications. It makes a recommendation that is sent to the minister of interior for final approval. Between 2008 and 2009, the NSGB reportedly reviewed 3,211 cases and provided positive recommendations in three. The UNHCR participated informally in NSGB sessions.

The Government issued three-month "conditional release visas" for asylum seekers waiting for a decision from the NSGB and Sudanese and Eritreans who were not reviewed for refugee status. The visa did not provide for the right to work or social benefits such as health insurance or housing subsidies, but in practice the Government generally allowed refugees to work. The Government generally gave Eritreans and Sudanese, who constituted the majority of asylum seekers, conditional release visas with deferred deportation status and temporary protection, and it did not require or allow them to undergo refugee status determinations. Asylum seekers of other nationalities must report to the Ministry of Interior's Refugee Status Unit for determination of their refugee claim.

On November 17, the Ministry of Interior instituted a new procedure of marking conditional release visas "this is not a work visa." The new procedure led to many asylum seekers being fired, according to NGOs. In August, following a government decision to enforce a prohibition on employment, the Refugee Rights Law Clinic petitioned the Supreme Court on behalf of eight human rights organizations, asking the Government to clarify the right to work for asylum seekers and persons who are provided deferred deportation status. The case was pending at year's end.

Refugees recommended by the UNHCR or the Ministry of Interior and recognized by the NSGB received six-month renewable visas, with status evaluated after one year. Asylum seekers at the appeal stage were not provided with this visa but were protected from detention and deportation by the letter informing them of the rejection of their claim.

No legal option exists for a refugee to become a naturalized citizen. In 2009 the Refugee Rights Law Clinic petitioned the Jerusalem Administrative Court on behalf of an Ethiopian refugee who had been in the country as a recognized refugee for more than 10 years. The petitioners argued that under the 1951 Refugee Convention, a state is obliged to facilitate the naturalization of refugees. The case was pending at year's end.

In 2009 the Ministry of Interior opened an office in Lod for asylum seekers to register to receive documents allowing legal residence without which they would be subject to arrest. The NGO Hotline reported that many refugees and asylum seekers complained about discriminatory treatment, inefficiency, refusal to renew papers, and lost documents at the Lod office, but noted some improvements in operation during the year.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. At year's end the Supreme Court had not ruled on the question put to it in 2007 of whether it was safe to return asylum seekers to Egypt. Domestic and international NGOs and the UNHCR continued to be concerned with the practice of "coordinated returns" or "hot returns" of some asylum seekers to Egypt because of allegations that those individuals were later returned to their countries of origin in violation of their right to seek asylum and protection against such return. The Government stated that through October 10, it had summarily returned to Egypt 136 persons who had crossed the country's border. This was a decrease from 517 persons who returned to Egypt after crossing the border in 2008-09. In its petition Hotline submitted to the Supreme Court the testimony of an IDF soldier describing alleged incidents of "hot returns" he had witnessed at the Egyptian border. According to the testimony, while officially Egypt refused to accept asylum seekers returned to its territory, there was a field-level understanding between the border forces that the Egyptians would receive persons captured at the border or soon after crossing. NGOs asserted that these arrangements were temporary conditional agreements between Egyptian and Israeli border commands and not a uniform policy.

The Government did not grant asylum to persons from states with which it was officially at war, such as Iraq, but stated that it attempted to find a third country to accept them. Sudanese, while also originating from an "enemy state," in practice received conditional release visas. On December 13, the Government, with NGO assistance, carried out a voluntary return to Sudan of 150 refugees residing in the country.

Refugees and asylum seekers were targets of violence. On December 18, an unknown arsonist threw a burning tire at the apartment door of five Sudanese refugees in Ashdod, setting the apartment on fire. The Sudanese refugees escaped by breaking through the barred glass window and were treated for smoke inhalation. Local residents and storeowners claimed they were attacked because they were refugees from Sudan. Ashdod police began an investigation that continued at year's end.

Also on December 18, a group of approximately 20 teenagers severely beat three 16-year-old daughters of African asylum seekers in the Hatikva neighborhood of Tel Aviv. The victims reportedly did not file a police report because they feared retribution.

Rhetoric by government officials and community protests concerning asylum seekers also intensified during the year. On March 22, Knesset member Yaakov Katz issued a letter that called for the establishment of an "infiltrator" city to hold asylum seekers and stated that in 10 years the "infiltrators" could "ruin" the country. On July 19, Minister of Interior Eli Yishai called for IDF soldiers to "block infiltrators" coming from the southern part of the country and stated, "This is an existential threat to the State of Israel." On September 2, Minister of Justice Yaakov Neeman stated that the "infiltrators at the southern border create a real danger to the existence of the state of Israel, and Israel has to fight this phenomenon in every possible way." In July the mayor of Eilat called on city residents to demonstrate against the large community of "infiltrators" who had taken over the city, created a climate of fear, and lowered real estate value. Candidates for the October Eilat municipality elections also used anti-asylee campaigns as part of their platforms.

The Government did not grant temporary status to persons with disputed nationalities, and prolonged detention of some of these persons continued throughout the year. According to Hotline and IPS, at year's end the Government was holding at least 1,000 asylum seekers for longer than 60 days in violation of the Entry of Israel Law. In addition authorities detained over 200 women and children in the Saaronim prison in cloth tents, with limited education services provided to the children for the detention period and insufficient health and medical treatment, according to NGOs. While authorities allowed the UNHCR full access to asylum seekers and refugees in detention, authorities curtailed access by NGOs to Saaronim prison following a 2008 petition by Hotline charging the IPS with inhumane treatment of prisoners. Hotline and a private law firm challenged the legality of several detention cases. In some decisions the district court ordered the release of asylum seekers with disputed nationalities and criticized the prolonged detention. According to an August 13 report in Haaretz, 17 appeals were filed in the district court with regard to detention of refugees, and all of the asylum seekers were released. The UNHCR noted the country does not provide an adequate appeals procedure for asylum seekers, and many persons with disputed nationality remain in prison for long periods of time if their country of origin cannot be confirmed by the Ministry of Interior.

According to the African Refugee Development Center, dozens of pregnant asylum seekers and single mothers were referred to the organization by authorities upon their release from prisons in the country. Despite many of them having been the victims of sexual and gender-based violence in Sinai and some allegedly having been held for ransom and forced labor there, the Government did not provide health insurance, pregnancy or postnatal related services, or trauma counseling to these women, according to Physicians for Human Rights-Israel. Authorities sent some female victims of trafficking in persons to government shelters during the year, but many others were not properly identified in prison as having been trafficking victims.

For a monthly fee of NIS 185 (\$52), health services were provided for minors who stayed continuously in the country for a period of six months and were not insured by the National Health Insurance Law. Those services do not apply to previous health conditions or to children of parents who are residents of the Palestinian territories. Physicians for Human Rights-Israel (PHR-I) estimated that one-third of families with children who are not legal residents were able to purchase medical insurance. Although the law provides for emergency medical care for every resident, 16 migrant workers and asylum seekers reportedly stated that they were denied access to emergency medical treatment in hospitals between September 2009 and September due to lack of health insurance and inability to pay the required fees.

By law the Government should provide education to all children living in the country, regardless of their status in the Ministry of Interior's population registry. NGO and media reports cited instances in which children of asylum seekers allegedly were not provided access to the country's educational system due to decisions by local school and government officials. For example, according to Hotline, children of asylum seekers in Eilat were not accepted into the local school system during the year.

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

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

Elections and Political Participation.—The country is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Arab-Israelis, regularly win Knesset seats. The law requires that a party obtain 2 percent of the vote to win Knesset seats. In 2008 Prime Minister Ehud Olmert resigned after declining to run in a Kadima Party primary election. When Kadima Party head Tzipi Livni was unable to form a government, Olmert remained as caretaker prime minister until a government was formed following February 2009 elections that were considered free and fair. In March 2009 following protracted negotiations, Benjamin Netanyahu became prime minister of a Likud-led coalition government.

The Basic Law prohibits the candidacy of any party or individual that denies 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 interference. In January 2009 the Supreme Court overturned a Central Elections Committee decision to ban the Knesset's two Arab political parties, the United Arab List-Ta'al and Balad, from participating in the February 2009 elections on the grounds that they did not recognize the state and called for armed conflict against it.

At year's end the Knesset had 23 female and 14 Arab members. The 30-member cabinet included two women, but no Arabs; three women were deputy ministers. Five members of the 15-member Supreme Court, including its president, were women. One Arab was on the Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government implemented the law effectively. There were reports of government corruption during the year, although impunity was not a problem. Media routinely reported on corruption. The National Police, the state comptroller, the attorney general, and the accountant general were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws.

During the year the Government investigated and prosecuted several senior political figures for alleged misconduct.

On July 13, a court found Knesset Member and former minister of justice Tzachi Hanegbi guilty of perjury in a case related to political appointments. In November the judges ruled that the perjury involved "moral turpitude," thereby forcing him to leave the Knesset immediately; he was also assessed a fine of NIS 10,000 (\$2,813).

In September the minister of defense appointed an IDF ombudsman to investigate allegations of corruption surrounding IDF appointment processes, widely known as the "Galant Document" affair.

On December 30, the Tel Aviv District Court convicted former president Moshe Katsav of rape and obstruction of justice, as well as of sexual assault and sexual harassment of three government employees in 2006.

On May 24, police recommended indicting Foreign Minister Avigdor Lieberman for breach of trust based on evidence that he received classified information about an ongoing corruption investigation against him. The attorney general did not decide whether to issue an indictment by year's end. In August 2009 police recommended the attorney general indict Lieberman on bribery, money laundering, obstruction of justice, and other charges. The attorney general had yet to make a decision at year's end.

On April 14, police arrested former Jerusalem mayor Uri Lupolianski on suspicion of accepting NIS three million (\$844,000) in bribes. On August 23, the police recommended indicting him and a list of individuals for taking a bribe, bribery mediating, and breach of trust in connection with Jerusalem's Holyland residential construction project. The list included former prime minister Ehud Olmert for receiving a bribe while he was mayor of Jerusalem; Bank HaPoalim Directorate Chairman Danny Dankner for bribery and tax offenses; former Israel Land Administration head Yaakov Efrati for fraud and breach of trust; former deputy mayor Yehoshua Polak for bribery, fraud, breach of trust, money laundering, and tax offenses; Holyland developer Hillel Cherney; and Olmert's former bureau chief, Shula Zaken. At year's end state prosecutors had yet to decide whether to indict those whom the police recommended.

In August 2009 Attorney General Menachem Mazuz indicted former prime minister Olmert along with his former chief of staff Zaken on three charges involving breach of trust, falsifying corporate documents, and fraudulent conduct. Mazuz also charged Olmert with tax evasion and Zaken with illegal eavesdropping. Olmert and Zaken both pled not guilty to all charges. At year's end the investigation regarding Olmert's political appointments was completed and notification letters were sent to the suspects, but a hearing had not been scheduled. An additional six persons were indicted on related charges, including former tax authority chief Jacky Matza, three tax authority officials, and two businessmen.

The Government did 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 governmental authorities did not make available to the public their administrative directives or procedures for requesting information or services.

On January 13, the High Court of Justice dismissed ACRI's 2005 freedom of information petition to require the Government to provide timely public access to the ministries' unclassified archives. The court awarded legal expenses to ACRI, however, as it found the Government had adjusted its policies in the interim in response to the petition. In August the Government published the new archives' regulations shortening the limitation periods on archival materials and ensuring their public availability.

Section 5. 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. Human rights NGOs have standing to petition the Supreme Court directly regarding governmental policies and can appeal individual cases to the Supreme Court. Government officials were cooperative to varying degrees, and routinely invited domestic NGOs, including those critical of the Government, such as ACRI, Mossawa, Adalah, the PHR-I, and Gisha, among others, to participate in Knesset hearings on proposed legislation. A unit in the foreign ministry maintained relations with certain international and domestic NGOs. The Government responded publicly to criticisms that it believed to be unfounded.

The state comptroller also served as ombudsman for human rights issues. The ombudsman investigates complaints against statutory bodies that are subject to audit by the state comptroller, including government ministries, local authorities, state enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the capacity to order any person or body to assist in the inquiry.

During the year the Ministry of Interior, operating under a 2002 order, barred entry to foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations. The Government stated this was done on an individual basis, not according to the activities or platform of the NGOs with which they were affiliated.

On September 22, the UN Human Rights Council released the report of a fact-finding mission that accused security forces of summarily executing six of the nine passengers killed on a Turkish NGO-organized flotilla of ships intending to reach the Gaza Strip. Prime Minister Netanyahu's office dismissed the report as "biased" and "distorted." On July 12, the IDF investigation into the May 31 events concluded that the use of live fire was justified, although it criticized organizational and intelligence failures for not being prepared for the level of violence committed by some of the flotilla's passengers. The Turkel Commission, appointed by the Government on June 14 as an independent public commission of inquiry with international observers, concluded that the blockade was legally imposed and enforced according to international law; it found no instance of excessive use of force.

On November 22, the UN Children's Fund criticized the Government for not having a comprehensive strategy to protect the rights of children and for excluding the West Bank and the Gaza Strip from the application of the UN Convention on the Rights of the Child.

The Government made several policy changes in response to criticism from NGOs and international organizations, including the UN Goldstone Report, regarding the protection of human rights during the 2008-09 Operation Cast Lead incursion into the Gaza Strip. Following IDF investigations, changes included new limitations on the use of white phosphorus in urban settings; the introduction of population assistance officers into combat brigades and battalions to focus on minimizing civilian casualties and hardship; new written procedures for planners to provide for civilian

safe havens, evacuation routes, medical treatment, and humanitarian access; and new written policies governing the destruction of private property and civilian infrastructure.

During the year the Government introduced several programs to spur economic development in Arab towns and to encourage greater hiring of minorities. On March 21, the Government allocated NIS 778 million (\$219 million) for the economic development of 13 Arab towns to raise employment, improve transportation, encourage housing development, and improve security and law enforcement.

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

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, disability, or age, and the Government effectively enforced these prohibitions.

Women.—Rape, including spousal rape, is a felony, punishable by 16 years in prison. The law doubles the penalty if the perpetrator assaults or rapes a relative. The Government reported 727 cases opened due to rape complaints through October. The Government effectively enforced rape laws during the year.

On December 30, the Tel Aviv District Court convicted former president Moshe Katzav of two counts of rape (see section 4).

NGOs supporting victims of sexual abuse reported a 13 percent rise in requests for assistance during the first half of the year in comparison with the same period in 2009. The NGOs reportedly received 4,250 requests for assistance. More than 40 percent of applicants said they were victims of rape or attempted rape, and two-thirds said they were sexually assaulted before the age of 18. The law prohibits violence against women, but domestic violence against women was a problem. As of September women filed 11,123 domestic violence complaints with police, of which at year's end 2,688 were still being investigated, 4,364 were transferred to the State Attorney's Office, 340 were heard by courts, and 3,741 were closed.

The Ministry of Social Affairs operated a battered women's shelter and an abuse reporting hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Women's rights NGO Kayan Feminist Organization (Kayan) and PHR-I petitioned the Supreme Court to require the Ministry of Health to provide health care to battered women living in shelters and to those who were without legal status in the country. The case was still pending at year's end.

Several "honor killings" occurred within the Arab-Israeli community. On October 20, police arrested Ramadan and Khaled Musrati on suspicion of involvement in four "honor killings" in Lod. The victims were alleged to be two men and two women believed to be in relationships with each other that their families viewed as inappropriate.

Sexual harassment is illegal but remains widespread. The law requires that suspected victims be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved; range from two to nine years' imprisonment.

According to a survey by the Ministry of Industry published in June, 35 to 40 percent of women reported experiencing sexual harassment at work, one-third of whom experienced it in the previous 12 months. Among the women who reported harassment, 69 percent said they had received "proposals," 47 percent reported comments of a sexual nature, 22 percent cited physical violation, 10 percent reported humiliation, and 7.7 percent reported extortion and threats.

In November DIPO opened an investigation into allegations by a Public Security Ministry employee that police commander Uri Bar-Lev sexually harassed her. The investigation continued at year's end.

"Modesty patrols" continued to harass women in Haredi neighborhoods. An article in Yediot Ahronot on March 3 reported that police arrested two Haredi men at the Western Wall compound on suspicion that they threw chairs at a group of praying women from the Woman of the Wall organization, a group occasionally targeted by religious groups for exercising their religion at holy sites.

In March 2009 the Jerusalem District Court sentenced Elhanan Buzaglo to four years' imprisonment and required him to pay NIS 10,000 (\$2,813) in compensation to a woman who had divorced her husband and abandoned her religious way of life. Buzaglo and four other persons beat the woman at her home and threatened to kill her if she did not move out of the house.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available, although women in Haredi communities often

had to seek approval from a rabbi to use contraception. According to data from the UN Population Fund for 2008, the maternal mortality rate in the country was seven per 100,000 births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted diseases.

In the secular judicial system, women and men enjoyed the same rights, but religious courts restricted the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent to make the divorce final. Because some men disappear or refuse to grant the divorce, thousands of so-called "agunot" (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a divorce without his consent.

A Muslim woman may petition for and receive a divorce through the Sharia courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which 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.

Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts. During the year Kayan criticized the Episcopal Ecclesiastical Court in Nazareth, which is not under the jurisdiction of the Ministry of Justice, for lack of transparency, unnecessary delays, and a judge's refusal to rule in an alimony case.

On September 28, the Supreme Court outlawed public gender segregation in Jerusalem's Haredi Mea Shearim neighborhood, in response to a petition submitted by NGOs and a Knesset Member asking the court to prevent enforcement of gender separation after conservative men physically and verbally assaulted women for walking on a designated men's only road. Dozens of women protested on September 29 to demand immediate enforcement of the court decision.

According to its Web site, the Yad L'Achim's anti-assimilation department receives approximately 1,000 calls per year identifying Jewish women who become involved with foreign workers or Arab men. Yad L'Achim responded in some cases by what it termed "launching military-like rescues from hostile Arab villages and setting the women up in 'safe' houses around the country, where they could build new lives for themselves." A December 2009 "rescue" from the Gaza Strip of Oshrit Ohana and her four children, reportedly coordinated with the IDF and Interior Minister Eli Yishai, was widely popular among the public, but critics claimed such "rescues" sometimes disregarded the will of the women involved.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, complaints of significant wage disparities between men and women persisted.

A May 2009 Yediot Ahronot article described a new regulation in the ultra-Orthodox Shas' Maayan Torah education network that prohibits female workers from working without a head covering that completely covers their hair. Many Haredi women expressed disagreement with the new regulation that also bans the use of wigs as head coverings.

The Government enacted a number of programs to improve the status of women in the work place and society. The Authority for the Advancement of the Status of Women in the Prime Minister's Office approved 289 scholarships for higher education for Druze, Bedouin, and Circassian female students in the north. The authority held professional training courses in Arab, Druze, and Circassian localities.

Children.—Citizenship is derived by birth within or outside of the country to at least one citizen parent.

On August 1, the cabinet established guidelines mandating that children of foreign workers may remain in the country with their parents only if they meet the following five criteria: the child studied the preceding year in the state school system; the child is enrolled for the current school year in the first grade or higher; the child has lived for at least five consecutive years in the country; the child's parents entered the country on a valid visa; and the child speaks Hebrew. According to government statistics released in August, 20,000 children of foreign workers were residing in the country illegally during the year, 6,000 under the age of five. The Ministry of Interior threatened to deport hundreds of children who did not meet the established criteria, and some deportations began during the year. The Government ensured at least one parent was deported with a child.

Education is compulsory through the ninth grade. The Government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. Ultra-Orthodox Haredi political parties continued to oppose government regulation of their government-funded school systems. Large Haredi demonstrations were held in Jerusalem throughout the year following the Supreme

Court's August 2009 ruling that outlawed discrimination between Ashkenazi and Sephardic students in a religious girls' school in the Emmanuel Settlement.

According to a National Council of the Child (NCC) report, in 2009 hospitals and clinics identified 2,907 children who had suffered violence within the family and sexual abuse, in comparison with 1,989 in 2000, a rise of 46 percent.

The NCC received more than 10,000 complaints during the year covering issues of physical and sexual abuse of children, child pornography, and poor educational, health, and welfare services.

According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report, at <http://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. Legislation mandates access to buildings and transportation, as well as accommodations for persons with disabilities in services and the work place. The Government enforced the laws with limited success but did not formulate specific regulations. Societal discrimination and lack of accessibility persisted in employment and housing. Television channels include subtitles or sign language, and the courts accommodate testimony from persons with intellectual disabilities or mental illness. The law mandates accessibility to urban public transportation, but not inter-urban buses; as of September 2009, approximately 40 percent of buses did not have such access. Most train stations maintained access for persons with disabilities.

There are an estimated 120,000 to 160,000 persons with severe mental illness, and very few receive rehabilitation services, according to research published by the Myers-JDC-Brookdale Institute.

Various ministries and agencies maintained responsibility for persons with disabilities. The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities. It receives public inquiries, provides legal advice, represents clients, and educates and promotes best practices. It took legal action in the areas of accessibility and employment, and issued regulations to provide access to services and public sites. However, improvements were slow, according to Bizchut, a domestic NGO that advocates for the rights of persons with disabilities. On December 20, the commission released a report which stated that, of approximately 1.5 million citizens who consider themselves disabled, 43 percent of those with severe disabilities and 29 percent with moderate disabilities went without food at some stage over the past year, while more than one-third of those with severe disabilities and 23 percent with moderate disabilities could not afford essential medicine during at least one period in the year. In addition according to the report, 60 percent of persons with severe disabilities and nearly half of those with moderate disabilities could not afford heat, and 41 percent had their phone disconnected in the reporting period.

During the year Bizchut's public inquiries hotline received 2,400 calls from individuals alleging that their rights had been violated due to their disability. The main complaints focused on national insurance, education, housing, hospitalization, and legal assistance.

In response to a petition to the Supreme Court submitted by NGOs including Bizchut, the Ministry of Education began a pilot program in one town to award each child with special needs a personal education budget. Bizchut continued to claim throughout the year that the education system did not provide adequate support to children with special needs.

The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. In August 2009 an amendment to the National Insurance Law came into effect that allows persons who receive a disability pension to earn more by permitting a combination of income and pension, rather than requiring the total forfeiture of the disability pension.

The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance.

The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. However, Bizchut continued to criticize the lack of services provided in practice to mainstreamed pupils, which effectively limited their integration into regular class settings.

An article in *Yediot Ahronot* on July 25 described a new IDF program to allow persons with disabilities to complete basic army training; 19 persons graduated from an initial course held in July.

National/Racial/Ethnic Minorities.—Citizens of Arab origin and Palestinian residents of the West Bank and East Jerusalem living in the country faced discrimination in public and private life. Tensions between Arabs and Jews were high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some cities with historically separate Jewish and Arab neighborhoods.

On November 5, according to police and victim reports, a group of eight teenagers severely beat a Chilean tourist in downtown Jerusalem after mistaking him for an Arab. Police arrested the suspects on charges of committing an attack causing grave bodily harm.

On December 21, police arrested a group of nine Jewish teenagers suspected of perpetrating a series of violent attacks against Arab youths in Jerusalem during November and December. In one case the group allegedly began beating a victim, asked for his identity card to determine whether he was Arab, and then continued beating him after the card showed that he was.

In November Arab students in Safed reported experiencing anonymous harassment including telephone calls threatening to set their apartment on fire and one of their cars being spray painted, "Arabs out." The students also alleged that a local rabbi asked them to leave the town and return to an Arab country, because "Safed should be Jewish."

In December dozens of rabbis signed a letter urging Jewish owners of apartments not to rent their properties to Arabs, claiming it would deflate the value of their homes as well as those in the neighborhood. The rabbis also urged neighbors of anyone renting or selling property to Arabs to caution that individual and to inform the general public. A subsequent letter signed by 30 rabbis' wives urged Jewish women not to work, date, or do community service with non-Jews. Numerous government officials and senior rabbinic authorities expressed concern that the letters were encouraging racism in the Jewish population.

At year's end a trial continued against Yaakov (Jack) Teitel, a Jewish settler in the West Bank who was indicted in 2009 for crimes including the 1997 killings of Palestinian shepherd Issa Jabrin near Hebron and Samir Akram Balbisi, an Arab taxi driver in Jerusalem, and the 2008 bombing deaths of professor Ze'ev Sternhell and a Messianic Jewish leader's 15-year-old son, Ami Ortiz. On August 30, the Jerusalem District Court ruled he was fit to stand trial.

On January 6, the Tel Aviv District Court convicted Eliyahu Aharoni of conspiracy to commit arson with a racist motive and for illegally producing and carrying incendiary bombs. In 2008 police arrested him and five other young Jewish men in Tel Aviv for allegedly firebombing three Arab apartments in a Jewish neighborhood. The other five were not indicted due to lack of evidence.

Arab and other minority residents of the country faced official and societal discrimination in a number of areas, including employment, education, land ownership, and naturalization.

The law exempts Arab citizens, except for members of the Druze religion, from mandatory military service, but some serve voluntarily. Citizens who do not perform military service enjoy fewer social and economic benefits. Arab citizens generally were ineligible to work in companies with defense contracts or in security-related fields if they did not serve in the military. The Government managed a National Civil Service program for citizens not drafted for military service, giving Arab citizens, Haredi Jews, Orthodox Jewish women, and others the opportunity to provide public service in their own communities and thus be eligible for the same benefits accorded military veterans. Of the 12,000 volunteers during the 2009-10 academic year, 1,256 were Arab citizens, half of whom served in education, 22 percent in health, 16 percent in welfare, and the remainder in legal and environmental work and road accident prevention. Ninety percent of the Arab volunteers were women.

The law requires that minorities have "appropriate representation" in the civil service and on the boards of government-owned corporations, but Arab citizens were underrepresented in most fields of employment, including the Government. According to data as of June reported by the Committee for the Examination of Appointments, which works to provide for appropriate representation, 39 out of the 98 governmental corporations satisfied the requirement, and 18 others were exempt. One percent of government company employees were Arab, Druze, or Circassian; these

groups formed about 20 percent of the overall population. An affirmative action program undertaken to promote the hiring of Arabs, Druze, and Circassians in the civil service has slightly increased their representation each year. According to the Government, 6.97 percent of government employees in 2009 were Arab, Druze, or Circassian, compared with 6.17 percent in 2007.

Resources devoted to the education of Arab children were inferior to those devoted to Jewish children in the public education system. In January the Organization for Economic Cooperation and Development (OECD) estimated that public spending for children in Arab localities was at least one-third lower than for children in Jewish municipalities. There were on average 25 Jewish schoolchildren per classroom, while Arab children averaged 29 per classroom.

According to the NGO Pedagogic Council for Arab Education, disparities in education between Jewish and Arab students limit Arab students' access to higher education. According to the NGO Dirasat, Arab-Israelis composed just 10.6 percent of all university undergraduate students and less than 1 percent of all tenured professors. Of 4,012 tenured university professors, 38 were Arab (34 men and four women).

Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. According to a 2005 attorney general ruling, the Government cannot discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the Government agreed to compensate the JNF for any land it leased to an Arab by transferring an equal amount of land from the Israel Lands Administration (ILA) to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews were ongoing at year's end. The NGO Israel Land Fund continued its program to purchase Arab land throughout the country and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a "danger" the purchase of Jewish-owned lands by non-Jews.

On November 8, the Supreme Court rejected a petition by Arab residents in Jaffa arguing that the ILA illegally leased public land to an organization that will market new apartments built on the land exclusively to Jewish citizens. The court stated that ILA is obligated to prevent discrimination, but it denied the petition because the land rights had already been sold.

New construction is illegal in towns that do not have an authorized outline plan for development, which is the legal responsibility of local authorities. At year's end according to the Government, 41 of the country's 128 Arab communities had fully approved planning schemes, 28 were awaiting approvals from district or national planning committees, 35 had outline plans in the final stages of the localities' approval process, nine began developing their outline plans, and 15 were still working towards creating master plans. However, Arab advocacy organizations continued to challenge the demolition of illegal buildings in the Arab sector by claiming that the Government unfairly restricted building permits and rezoned open space areas to exclude Arabs from expanding built-up areas. In the country's 46 unrecognized Bedouin "villages" constructed haphazardly on state land in the Negev claimed by various tribes, all buildings were illegal since there were no recognized local authorities to promote an authorized detailed plan. Approximately 60,000 Bedouin resided in such unrecognized villages, while more than 120,000 lived in legally planned and constructed urban and suburban centers.

On July 27, the police demolished the 45 structures of the unrecognized Bedouin "village" of al-Arakib, which had been built illegally on state land, after multiple eviction orders and a 2007 Supreme Court decision. For decades the state had leased the area to Bedouins for agriculture, but in 1998 the el Tory tribe moved from Rahat and attempted to settle on the land they claimed was wrongly expropriated from their tribe in 1951. Despite 12 years of court proceedings producing repeated injunctions, including a 2003 evacuation notice against the nine individuals then found to be trespassing at Al-Arakib, the Bedouin clan continued to return to the site. Many advocacy groups criticized the demolition as enforcing the expropriation of property that the Bedouin clan claimed was its own prior to 1951, although it was unable to prove prior ownership in court. Police repeatedly demolished rebuilt structures on eight separate occasions by the end of the year.

The law bars family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits but may not receive residency based on their marriage and have no path to citizenship. The Government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification

through family unification. During the year human rights NGOs and international organizations continued to criticize this ban, which primarily affected Palestinian spouses of Arab citizens. Mossawa claimed the law affected more than 21,000 families, including couples with long-standing marriages. In June 2009 in response to a petition by Kayan, PHR-I, and ACRI, the Supreme Court demanded an explanation within six months from the Government for its refusal to grant social and health insurance to an estimated 5,000 Palestinian spouses of citizens who were granted "staying permits" to reside legally in Israel. On January 27, the court recommended the Government provide a temporary solution that would be in place until an official policy could be formulated. On July 4, the Government requested an additional five months to formulate a response regarding the provision of social benefits to nonresidents.

Public debate continued over the suggestion of some Jewish politicians, including the foreign minister and members of his Yisrael Beiteinu party in media interviews and speeches throughout the year, of "an exchange of populated territories" of Arab villages in Israel to the West Bank (in return for transferring Jewish settlements in the West Bank to Israel, by way of adjusting the border) as part of a negotiated solution to the Israeli-Palestinian conflict. Arab citizens of Israel overwhelmingly condemned the proposal, while Jewish opinion ranged from support to condemnation.

While Arab communities in the country generally faced economic difficulties (the NGO Dirasat, the Arab Center for Law and Policy, stated that 97 percent of all Arab local councils ranked in the bottom four economic development clusters on a national index), the Bedouin segment of the Arab population was the most disadvantaged. More than half of the population of about 160,000 Bedouin lived in seven state-planned communities, which were among the eight poorest communities in the country, according to a 2008 report by Human Rights Watch. Approximately 60,000 Bedouin lived in at least 46 unrecognized tent or shack villages that did not have water and electricity, and lacked educational, health, and welfare services.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new towns, and the average Bedouin family could not afford to purchase a home in existing towns; however, the Government maintained a program to encourage such movement by providing low-cost land and compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned towns required giving up claims to land they had lived on for generations, while the Government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

At year's end a government implementation team was in the final stages of creating a plan for the Bedouin housing situation in the Negev, as recommended in 2008 by the Goldberg Committee.

By year's end the Supreme Court had not ruled on a 2006 Adalah appeal of the Haifa District Court decision not to overturn a Water Tribunal decision denying water services to unrecognized villages. Bedouins living in established towns have municipal services; the Government additionally built water centers in six Bedouin localities.

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, but it has prevented family visitations since 1982.

A population of about 100,000 Ethiopian Jews faced persistent social discrimination although officials and the majority of citizens, quickly and publicly condemned discriminatory acts against them.

On May 4, approximately 200 parents and children protested racial segregation in Beer Sheva's Otzar Haim kindergarten, where they claimed that Ethiopian Jewish children were educated in a separate room from the rest of the children. An official from the Industry, Trade, and Labor Ministry then visited the site and forced the school to cease the segregation.

On July 13, the NGO Tebeka, Advocacy for Equality and Justice for Ethiopian Israelis, filed suit against an Egged bus driver in the Petah Tikvah Magistrates Court for refusing a student entry and then making racist statements against Ethiopian Jews. The bus company suspended the driver, and the Ministry of Transport filed suit against the driver and the bus company.

In the Bnei Brak neighborhood of Tel Aviv in November, a resident assaulted an Ethiopian Jewish teenager after refusing to allow her to enter a religious ritual bath. Police arrested the suspect and he was indicted before the Tel Aviv Magistrates Court.

During the year the Government introduced several programs to spur economic development and to encourage greater hiring of minorities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation, and the Government generally enforced these laws.

Gay pride rallies occurred peacefully in Tel Aviv on June 11 and in Jerusalem on July 29. An estimated 2,000 persons participated in the Jerusalem rally. There were police authorization and protection for the participants. Three separate antigay rallies were held in conjunction with the Jerusalem rally, including one in Independence Park where protesters held up signs reading: “Sick perverts, get out of Jerusalem,” according to media reports. There was also a demonstration against the march in the ultra-Orthodox Jerusalem neighborhood of Mea Shearim.

There were no reports of violence against the lesbian, gay, bisexual, and transgender (LGBT) community during the year; however, in August 2009 a masked gunman killed Nir Katz, 26, and Liz Trobishi, 16, and wounded 15 others in the offices of the NGO GLBT Israel in Tel Aviv. At year’s end, a police investigation continued, but the perpetrator had not been found. High-level politicians, including the president and prime minister, condemned the attacks. Authorities arrested settler Yaakov Teitel (see sections 1.a. and the annex) in October 2009 after he posted signs praising the attack, but police did not charge him with the killings. On August 30, in commemoration of the 2009 attack, the Tel Aviv municipality launched an educational program for Tel Aviv schools focusing on LGBT issues, including the prevention of discrimination.

There were cases of official and societal discrimination against the LGBT community during the year.

On September 14, the Supreme Court ruled that the Jerusalem municipality discriminated against a LGBT community center by not providing similar funding that had been provided to similar community centers.

An article in Yediot Ahronot on September 19 stated that Jerusalem Family Court Judge Phillip Marcus called on the Government to investigate whether LGBT petitioners are “pedophiles or serial killers.”

Other Societal Violence or Discrimination.—There were no reports of societal violation or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—The Government effectively implemented laws concerning the right of association and provided that citizens may join and establish independent labor organizations of their choice without previous authorization or excessive requirements. According to the Government, approximately 33 percent of the total workforce is unionized. The law allows unions to conduct their activities without government interference.

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 while negotiations continue. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

b. The Right to Organize and Bargain Collectively.—The law provides for the right for citizens to bargain collectively, and it was enforced. There were no restrictions on collective bargaining agreements, which covered approximately 58 percent of all workers. Collective bargaining agreements extend to nonunion workplaces in the same sector. The law specifically prohibits antiunion discrimination, and none was reported.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor and criminalizes labor exploitation. However, according to a March OECD review, the laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The law provides that foreign laborers have legal status, decent working conditions, health insurance, and a written employment contract; nonetheless, some employers continued to force individual laborers who entered the country, legally and illegally, to live under conditions that constituted involuntary servitude.

A 2009 reorganization of the immigration and employment law enforcement functions left the Ministry of Interior’s Population, Immigration, and Border Crossings Authority with the power to arrest and detain workers but not to enforce labor or trafficking laws against employers. As a result, according to Hotline, even in cases when an illegal worker was detained when working, inspectors were unable to charge the employer with labor law violations or illegal employment.

Some workers faced conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose one's employer, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases but few resulting employer prosecutions, concerning foreign laborers' living in harsh conditions and subject to debt bondage. The NGO Kav LaOved identified several dozen employees in the agricultural sector held under conditions of slavery and subjugation and facilitated their release to government-run shelters. Thai agricultural workers, Chinese construction workers, and nursing care workers from India, Nepal, Sri Lanka, and the Philippines—particularly women—were at greatest risk for abuse, including trafficking, forced labor, nonpayment, and withholding of wages.

On February 7, Kav LaOved filed a complaint with police alleging human trafficking of Thai agricultural workers. According to Kav LaOved, the employer paid the workers NIS 120 (\$34) a day, far below minimum wage; forced them to work 14-hour days with only one day off every two weeks; and made them sign falsified reports of hours and salary. At year's end, police had taken no action against the employer, but authorities had moved the workers to a government-operated shelter and found them new jobs.

Kav LaOved also filed complaints with police regarding trafficking at a moshav (privately owned farm) in the Beit Shean Valley, underpayment and harassment by an owner of a moshav near the Gaza Strip, and violations of the Work and Rest Hours Law, the Migrant Workers Law, and Minimum Wage Law by employers at a moshav in the Beit Shean Valley.

In the caregiving sector, Kav LaOved filed complaints of violations in several cases, including allegations that a caregiver employed in Herzelia was forced to work without compensation in exchange for a "fee" for her visa, that two additional caregivers in Herzelia were not given sufficient food and had wages withheld, and that a caregiver employed in Ashdod was forced to have sex.

In August 2009 following a complaint by Kav LaOved, a criminal indictment was filed in the Beer Sheva Magistrate's Court against the agricultural company Katif Venture and Development Limited and some of its employees, charging them with employing Thai and Nepalese agricultural workers in inhumane conditions. The charges included making the employees work for 15 to 20 hours each day, seven days per week, paying well below the minimum wage with no overtime compensation; constantly threatening to accelerate the employees' work pace lest they be returned to their home countries; and prohibiting use of a telephone. The workers were also required to live in extremely crowded conditions in temporary buildings that were completely exposed to the elements. The employers were charged with exploitation, fraud, and causing injury by negligence. The case was pending in court at year's end.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g.tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the Government generally enforced these laws.

Children at least 14 years old may be employed during official school holidays in light work that will not harm their health. Children at least 15 years old who have completed education through grade nine may be employed as apprentices. Working hours for those children between 16 and 18 years old are restricted in all sectors.

During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor initiated 250 investigations, investigated more than 1,000 employers for allegedly violating the law, filed 55 indictments against employers, and imposed 822 administrative fines totaling approximately NIS 10.5 million (\$3 million).

The Labor Law Enforcement Division also conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

e. Acceptable Conditions of Work.—The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Resource constraints affected overall enforcement, and according to the OECD the country continued to have a general problem of failing to enforce its labor laws.

The minimum wage was NIS 3,850 (\$1,083) per month for a 43-hour week. There are reduced minimum wages for youths and persons with disabilities. 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. Noncitizen workers did not re-

ceive the special allowances. Resource constraints limited inspections, particularly of conditions in the settlements where many Thai citizens work.

The law allows for citizens a maximum 43-hour workweek at regular pay. The law provides for citizens a daily break for a period of 45 minutes, which may be divided into two breaks. 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.

The law applies to noncitizens, although with modifications, and enforcement was not adequate, according to Hotline and other NGOs. Migrant workers in the homecare sector are not covered by the Work and Rest Hours Law.

The Government set occupational health and safety standards. The Ministry of Industry carried out inspections. Health and safety inspections in the homecare sector were particularly insufficient, according to Kav LaOved.

Documented foreign workers were not entitled to many of the same benefits as citizens, including national health care. Employers are legally required to provide such insurance, and most employers did so. Female migrant workers in the homecare sector remained particularly vulnerable to abuse and forced labor. The live-in arrangements and lack of labor law enforcement led to many cases of women migrant workers working "on a 24-hour basis," according to Kav LaOved. These workers also worked without suitable compensation for overtime and were forced to perform domestic tasks such as cleaning and cooking for all family members without compensation.

According to Kav LaOved, foreign workers in the agricultural sector also remained vulnerable to health and safety violations; prolonged exposure to pesticides led to complaints of breathing difficulties, burns, skin allergies, and cases of cancer; and there were several complaints from agricultural foreign workers of nonpayment for overtime, excessive working hours, and poor living conditions.

According to the Government, workers, including foreign workers, can remove themselves from a dangerous work situation and seek alternate employment. However, Kav LaOved maintained that in practice workers in the homecare and agricultural sectors were not able to seek alternative employment due to pressures from their sponsoring agencies.

Brokers and employers collected hiring fees from migrant workers. The Government limited such fees to NIS 3,135 (approximately \$883) per worker.

On August 24, after complaints about excessive commission rates and profiteering over money transfers, the Ministry of Interior closed Interman Management Initiatives and Consultations Limited. The company, which brought migrant workers, largely from Thailand, to the country's agriculture sector, charged an average commission rate of NIS 35,546 (\$10,000) for each foreign worker.

The Government reported that, during the last two years, it revoked at least 18 companies' recruitment licenses and their special permits to recruit foreign workers. Investigations and administrative hearings led to the closure of some recruitment agencies.

Workers may contest deportation orders, but lack of fluency in Hebrew placed them at a considerable disadvantage. Interpreters were provided when available, but no court-appointed attorneys were provided. According to Hotline, the lack of interpreters in various governmental agencies continued to be a "grave problem," and public information in languages other than Hebrew was hard to obtain.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel began occupying the Gaza Strip, Golan Heights, the West Bank, and East Jerusalem during the 1967 War and continued to occupy those areas during the year. (For information about the Israeli-occupied Golan Heights, please see the Israel report above.) During the year the Palestinian population of the West Bank was approximately 2.5 million, and the Gaza Strip's population totaled 1.6 million, nearly all of whom were Palestinian. There were an estimated 260,000 Arabs living in East Jerusalem with residency permits rather than Israeli citizenship. Approximately 190,000 Israeli citizens, including a small number of Arab citizens of Israel, also lived in East Jerusalem; Israelis in the West Bank numbered approximately 300,000; and there were no Jewish settlements in the Gaza Strip.

The Palestinian Authority (PA) had a democratically elected president and legislative council. The PA exercised varying degrees of authority over the Palestinian population in the West Bank and none over Arab residents of East Jerusalem due to the Israel Defense Force's (IDF) continuing presence in the West Bank and Israel's extension of Israeli law and authority in 1967 to East Jerusalem; it had little authority in the Gaza Strip and none over Israeli residents of the West Bank.

In 2005 Palestine Liberation Organization (PLO) Chairman Mahmoud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In the 2006 Palestinian Legislative Council (PLC) elections, Hamas (a terrorist organization)-backed candidates won 74 of 132 seats in elections that generally met democratic standards. In 2007 President Abbas dismissed the national unity government after Hamas staged a violent takeover of PA government installations in the Gaza Strip and killed hundreds in the Fatah movement and PA security forces; he appointed a cabinet of independents led by Prime Minister Salam Fayyad that continued to govern the West Bank during the year. Elements of the Hamas government maintained authority in the Gaza Strip, where they selectively applied the laws and legal structures of the PA. West Bank authorities postponed municipal PA elections scheduled to be held in the West Bank in July; however, the Palestinian courts ruled the postponement illegal in November. Both Israeli and PA security forces reported to civilian authorities. Hamas maintained control of security forces in the Gaza Strip. Armed militias and terrorist organizations were still active in some areas in the West Bank and the Gaza Strip.

Principal human rights problems related to the PA included mistreatment in detention, arbitrary and prolonged detention, poor prison conditions, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.

Residents of the Gaza Strip under Hamas had no right to political participation or to choose their government. Other human rights problems in the Gaza Strip included reports that Hamas security forces continued to kill, torture, kidnap, arbitrarily detain, and harass Fatah members and other Palestinians with impunity. There were reports of abuse of prisoners and failure to provide fair trials to those accused. Hamas also strictly restricted the freedom of speech, religion, and movement of the Gaza Strip residents. Corruption reportedly was a problem. Hamas promoted gender discrimination against women. Domestic violence against women also remained a problem. Hamas and other Palestinian factions in the Gaza Strip launched rockets and mortars against civilian targets in Israel.

Principal human rights problems related to Israeli authorities in the West Bank were reports of excessive use of force against civilians, including killings, torture of Palestinian detainees, improper use of security detention procedures, austere and overcrowded detention facilities, demolition and confiscation of Palestinian properties, limits on freedom of expression and assembly, and severe restrictions on Palestinians' internal and external freedom of movement. Additionally the IDF, in some cases, failed to pursue investigations and disciplinary actions related to violations. Violence by Israeli settlers was also reported. The IDF imposed serious restrictions on the importation of goods into the Gaza Strip and general prohibition on external travel for Gazans.

(Note: Throughout the report, human rights concerns related to each actor (the PA, Hamas, and Israel) follow in sequential order.)

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 PA committed political killings; however, PA forces killed at least one civilian during the year. There were multiple reports that Palestinian terrorist groups, including Hamas, committed unlawful killings. The Israeli government reportedly committed at least one targeted killing in the occupied territories during the year, and reports of Israeli security forces killing civilian Palestinians, including protesters, continued.

There was one reported killing by Palestinian security forces during the year. On May 1, PA security forces shot and killed 18-year-old Rami Sa'id Salah al-Absi after he drove through a security checkpoint in Hebron; the PA actors reportedly suspected al-Absi was involved in the robbery of a Bethlehem clothing store. At year's end no action had resulted from an investigation of al-Absi's death.

In July a Palestinian military court found five security officers negligent in the June 2009 death of Haitham Amer but acquitted the officers of more serious charges, according to Human Rights Watch (HRW). The court cited a lack of evidence in the case, despite an official Palestinian autopsy report stating that Amer had died during detention and interrogation at a General Intelligence Service facility in Hebron due to torture, as well as testimony by three detainees who witnessed his death.

Civilian Palestinian factional violence during the year, including fights, family disputes, and manslaughter, resulted in 35 Palestinian fatalities in the West Bank

and the Gaza Strip, according to the quasi-governmental Independent Commission for Human Rights (ICHR). The PA was not responsible for these fatalities.

Hamas-controlled security forces and other Palestinian terrorist groups continued to kill Israelis and Arabs in the West Bank and the Gaza Strip. According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank killed six Israelis, including four civilians. No Israeli civilians died in violence emanating from the Gaza Strip, although the Israeli government attributed the death of a Thai migrant worker in Israel to a rocket attack launched from the northern Gaza Strip.

In the Gaza Strip, according to local media and the ICHR, masked gunmen affiliated with Hamas unlawfully executed at least 32 persons during the year. By law the PA president must ratify the death penalty, but Hamas did not contact the PA regarding the executions. In some cases, such as that of Mohammed Ismail and Nasser Abu Freh on April 15, the executions were based on allegations that the victims collaborated with Israel.

Hamas summoned 52-year-old Jamil Shafiq Shaqura for questioning at an internal security facility in Khan Yunis in the Gaza Strip, where he was tortured, according to Israeli human rights NGO B'Tselem; he died on January 6 from a stroke as a result of his abuse.

On June 14, unknown actors shot and killed an Israeli police officer, Yehushua Sofer, in an attack on his patrol car near the Hebron-area Israeli settlement of Beit Haggai, according to IDF reports. The attack injured two other police officers. Israeli authorities opened an investigation and arrested suspects with Hamas affiliations on July 22. At year's end there were no updates.

On August 31, Hamas gunmen shot and killed four Israeli residents of the West Bank settlement of Beit Haggai, who were traveling by car near Hebron. The four victims were identified as married couple Yitzak and Talia Ames, Avishai Shindler, and Kochba Even-Chaim; retaliatory skirmishes occurred near a number of West Bank settlements, with Israeli settlers reportedly throwing stones and Molotov cocktails at Palestinian villagers.

Israeli security forces killed 79 Palestinians during the year, including seven minors in the Gaza Strip and two minors in the West Bank, which was an increase from the 59 killings in 2009 (not including deaths during Operation Cast Lead), according to statistics maintained by B'Tselem. Israel described all IDF actions in the occupied territories as "operational activities," preventing accountability for breaches of law and investigations, according to B'Tselem.

The Israeli government was responsible for at least one targeted killing. On September 17, Israeli security personnel shot and killed Iyad As'ad Abu Shelbaya in his home at the Palestinian Nur ash-Shams refugee camp during the night. The Israeli government suspected that Abu Shelbaya, known for his reported links to Hamas, had taken part in an August 31 attack that killed four Israeli settlers (see above).

At year's end there was no update or investigation into the death of Khaled Harb Khaled Sh'alan, a 23-year-old resident of Gaza City and a reported Islamic Jihad commander, who was killed by Israeli helicopter fire in March 2009.

Reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip and in waters off the Gaza Strip coast continued during the year. Israel acknowledged the land "buffer zone" in May 2009 to be 328 yards from the border fence, although it generally enforced the buffer zone at 547 yards, with reports of Palestinians being shot at as far away as 1,640 yards from the border fence. Israel barred access to fishing areas beyond three nautical miles from the shore; for example, in four incidents in October, Israeli naval forces fired "warning" shots at Palestinian fishing boats, forcing them ashore. Israel enforced these restrictions with the stated intention of preventing attacks by Palestinian armed factions. The IDF rarely launched investigations into buffer zone shootings, although on September 15, it announced that three Gazans, ages 17, 21, and 91, killed by the IDF earlier in the year near the border fence, had not been involved in terrorist activities.

On March 21, Israeli security forces shot and killed two Palestinian 19-year-olds looking for scrap metal on farmland east of the West Bank village of Awarta, according to several NGOs and press reports. The two were not in a restricted area. The Israeli soldiers claimed that Salah Muhammad Kamel Quareq and Muhammad Feisal Mahmoud Quareq told them that they were on their way to work in the fields but did not produce identification documents upon request and, subsequently, attempted to attack the border guards with a pitchfork. Medical reports indicated that the shots came from close range. The Israeli chief military prosecutor ordered an investigation into the killings, the results of which were not available at year's end, although authorities dismissed the soldiers' squad commander.

On May 14, the IDF shot and killed 75-year-old Fouad Ahmad Yusef Abu Matar, a resident of Beit Lahiya in the northern Gaza Strip, when he approached the perimeter fence east of Jabalya Refugee Camp.

On June 11, according to local media sources, Israeli border police shot and killed Ziad Jilani, a Palestinian resident of East Jerusalem, while he lay on the ground. Jilani had swerved his vehicle into a group of officers, injuring several, but eyewitnesses told the media that Jilani did not pose a danger at the time of the shooting. It was unclear if Jilani hit the officers deliberately; eyewitness accounts reported that Jilani swerved to avoid stones that bystanders had thrown at the officers.

On September 24, according to B'Tselem, Israeli naval force machine-gun fire killed 19-year-old Muhammad Mansur Omar Baqar while he was fishing off the coast of Jabalya in the Gaza Strip.

Israeli security forces reportedly killed three demonstrators during the year. In most cases the protesters were demonstrating near restricted areas or the separation barrier.

On March 20, Israeli security forces in the West Bank village of Iraq Burin shot and killed two Palestinian adolescents during a local demonstration related to a water dispute with a nearby settlement, according to several NGOs and press reports. There were conflicting reports as to whether Usaied Abd al-Naser Muhammad Qadous, 17 years old, and Muhammad Ibrahim 'Abd al-Qader Qadous, 15 years old, threw rocks at Israeli police during the demonstration. Israeli officials claimed that forces employed tear gas and rubber-coated bullets to disperse demonstrators but did not use live ammunition. Villagers, international protesters, PA officials, and Israeli NGOs all claimed that live ammunition caused the deaths, and PA medical personnel released an X ray to the media showing what doctors stated was a bullet lodged in the brain of one of the boys. On March 23, the IDF's chief prosecutor ordered the army to open an internal investigation into the circumstances that led the soldiers to open fire; no results were available at year's end.

On April 28, an IDF soldier shot and killed Ahmad Suliman Salem Deeb, a 19-year-old resident of Gaza City who was taking part in a demonstration against the "buffer zones," during which some demonstrators threw stones, according to press reports.

On May 25, the Israeli central district prosecution filed an indictment for negligent manslaughter against an unidentified retired border policeman suspected of shooting 11-year-old Palestinian Ahmed Moussa in the West Bank in 2008. The incident was one of several connected to protests against construction of the separation barrier.

On July 12, a judge advocate general (JAG) ordered the Military Police Investigation Unit to investigate the death of Bassem Abu Rahmah, who was struck in the chest by a tear gas canister during an antibarrier demonstration in April 2009. According to B'Tselem, the JAG initially declined to probe the incident but changed its stance after forensic evidence indicated that soldiers fired the canister directly at the victim, contrary to initial debriefing statements. Citing video footage of the incident, B'Tselem noted that Abu Rahmah remained on the Palestinian side of the fence and did not endanger soldiers. At year's end the IDF had not released an update in the case, according to local NGO reports.

On December 31, Jawaher Abu Rahmah, a resident of the West Bank village of Bil'in, inhaled tear gas from canisters fired by the IDF to disrupt protests against the separation barrier, according to NGO and press reports. She died the following day of complications from the inhalation, according to the PA. The IDF claimed that she did not die as a result of the tear gas inhalation, but rather improper medical treatment.

At year's end no findings were available from an Israeli investigation into the 2008 death of Yousif Ahmed Amira, whom IDF soldiers shot in the head during a protest.

Israeli forces also killed civilians during episodes of conflict throughout the year, including killings from tank fire and tear gas. The IDF regularly used tanks and remote-controlled weapons stations to fire on Palestinians inside the Gaza Strip, according to reports from the UN's Office for the Coordination of Humanitarian Affairs (UNOCHA). IDF personnel maintained secure stations every several hundred yards along the border fence; each station contained machine guns with a nearly one-mile firing range. The IDF also used tanks firing "flechette" projectiles, which explode in midair, releasing thousands of 1.5-inch metal darts. In July alone flechettes killed at least two civilians and injured 10, including four children, according to UNOCHA.

On May 9, during hostilities at the Karmi Tsur settlement north of Hebron, a one-year-old boy from the southern West Bank village of Beit Ummar died, reportedly as the result of inhaling tear gas deployed by Israeli forces. The canister landed out-

side the boy's window, and he died of respiratory complications, according to press reports.

B'Tselem reported that on December 9, Israeli tank fire killed 16-year-olds Husam Khaled Ibrahim Abu Sa'id and Isma'il Walid Muhammad Abu 'Odeh and 91-year-old Ibrahim Abdallah Suliman Abu Sa'id near Biet Hanoun, while the three grazed livestock. According to B'Tselem, none had engaged in hostile activity.

The 147 military police investigations of the killings or injuries of Palestinians by Israeli forces led to few convictions. The NGO Yesh Din reported that in 2009 only 2 percent of investigations by the Israeli Military Police Criminal Investigation Division led to indictment (four investigations). Between 2000 and 2009, the average rate of indictment was 6 percent. B'Tselem attributed such statistics to a procedural conflict of interest in the investigation process because Israeli forces involved in the fatality are also responsible for collecting the information that the JAG uses to determine whether to launch a military police investigation. Since 2001 B'Tselem has monitored 35 cases of Palestinians injured or killed from bullets fired by Israeli police and border police officers. Only 16 of the cases were investigated, of which only two cases resulted in indictments.

Human rights organizations also complained that the IDF—through the JAG—initiated many investigations months or more than a year after the incident, making it difficult to find evidence or identify witnesses, and that the investigations unit lacked sufficient Arabic speakers.

Israeli civilians killed two Palestinians. On May 13, a settler shot in the back and killed 15-year-old Aysar Yasser Fawaz Zaraqah, who threw stones at the settler's car near al-Mazra'a as-Sharqiya in the West Bank. There were no reports of an investigation into his death. On September 22, an Israeli private security guard shot and killed Samer Mahmoud Ahmad Sarhan in East Jerusalem. The guard responsible for Samer's death was released on bail. Yesh Din continued to claim that settler violence was insufficiently investigated. There was no evidence of a public investigation at year's end.

The PA and Israel took steps to address and investigate allegations of abuses related to the 2008-09 Operation Cast Lead conflict; however, NGOs criticized Hamas for failing to investigate abuses adequately.

During the year the PA established an independent commission to review the allegations against it in the context of the conflict.

Amnesty International (AI) criticized Hamas authorities for failing to investigate fully abuses perpetrated by Gazans during the conflict, citing specifically the firing of indiscriminate rockets by Palestinian armed groups into southern Israel. AI claimed Hamas did not respond with legal or any other action against the al-Qassam Brigades, which claimed responsibility for rocket attacks aimed at civilian targets.

During the year Israel provided specific examples of investigations relating to Operation Cast Lead and their outcomes, including new orders to enhance civilian protections. Local and international NGOs continued to criticize Israel's investigation and disciplinary action relating to casualties from Operation Cast Lead as insufficient. B'Tselem reported that 773 of the estimated 1,385 Palestinians killed were civilians. The Israeli government maintained that the civilian death count was 295 and noted that Hamas operated within civilian populations.

Since 2009 the IDF has opened investigations into 150 incidents involving alleged violations of law of war by its forces. Various human rights organizations reiterated concern that Israeli army commanders or military police carried out the investigations, potentially reducing impartiality. NGOs also criticized the Israeli government's decision not to investigate fully allegations of serious violations, such as Israel's use of white phosphorus and the targeting of civilian infrastructure in the Gaza Strip.

Israel issued two indictments related to Cast Lead in a human shield case (see section 2.c.) and in a civilian death during the year. The IDF reprimanded an officer and sanctioned two others for failing to exercise appropriate judgment during an incident that resulted in civilian casualties in the al-Maqadmah mosque during Operation Cast Lead. Additionally, an IDF brigadier general and a colonel were disciplined for approving the use of explosive shells in violation of the safety distances required in urban areas during Operation Cast Lead.

In 2009 the IDF chief of staff ordered operational debriefings for at least 60 investigations focused on law of war violations during Operation Cast Lead. Held by the army under the Military Justice Law, operational debriefing delayed criminal investigations because information provided cannot be released or used as evidence in a court of law.

b. Disappearance.—There were few reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict, largely due to improved security conditions in the West Bank.

In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation during the year; information concerning the whereabouts and welfare of those detained was not consistently or reliably available, nor were those detained offered due process or access to family and legal counsel.

In 2006 Popular Resistance Committee and Hamas militants tunneled from the Gaza Strip to Israel, killed two soldiers, and abducted a third, Gilad Shalit. At year's end Shalit remained detained in the Gaza Strip.

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 remained a problem. Following allegations of abuse in the deaths of four prisoners in PA custody in 2009 (see section 1.a.), Prime Minister Fayyad dismissed a number of PA security officials and issued a directive against prisoner mistreatment, abuse, or torture, with a corresponding order for Palestinian prison and detention center monitoring. As a result the PA provided all security forces with written guidelines for interrogation and detention that remained in effect during the year, including a section on prisoners' rights. Nevertheless, according to HRW, reports of mistreatment were common during the year, and the PA was lax in prosecuting security officials for detainee mistreatment. Palestinian detainees registered 163 complaints of torture with the ICHR during the year. Reported abuse by PA authorities in the West Bank included forcing prisoners to sit in a painful position for long periods, beating, punching, flogging, intimidation, and psychological pressure. International observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation.

A 2009 HRW report alleged abuses by Fatah-affiliated Palestinian security officials against Hamas members and supporters in the West Bank, as well as abuses by Hamas security forces against Fatah-affiliated officials in Gaza Strip. According to reports these trends continued during the year.

On September 16 and 19, according to HRW, PA security authorities arrested an unidentified man and Ahmad Salhab and tortured them in custody in a facility in Jericho. The PA suspected both men of ties to Hamas. Authorities released the first man after 10 days but held Salhab until October 16, when they transferred him to a hospital to treat injuries reportedly related to torture, as well as torn spinal disks that were a previous result of mistreatment during confinement in 2008.

Torture carried out by the Gaza Strip Hamas Executive Force was not restricted to security detainees but also included persons associated with the Fatah political party, those held on suspicion of "collaboration" with Israel, or those considered to engage in immoral activity. There were reports that Hamas deployed undercover officers to attack, beat, and (in some cases) detain these persons, usually without intent to kill. Hamas took no action to investigate reports of torture, and documentation of abuses was limited, due in part to fear of retribution by victims and, in part, to PA officials and NGOs lacking access to Gaza Strip prisoners. The ICHR reported that complaints of abuse included being forced to stand in an uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs or hoses.

According to human rights NGO reports and photographic documentation released on May 12, Hamas forces beat Jamal Abu Qumsan, an unmarried art gallery owner, regarding the accusation that he had nonmarital sexual relations. Abu Qumsan sustained blows along his back, legs, and buttocks. Human rights organizations claimed that such attacks and interrogations were common, but victims were reticent to come forward.

Hamas organized attacks in the West Bank. On September 1, Hamas members reportedly shot and wounded two Israeli residents of a Jordan Valley settlement near Ramallah; Hamas's military wing immediately claimed responsibility. On November 17, the PA arrested various Hamas members suspected of planning bomb attacks and abductions and targeting a prominent Palestinian government official.

There were no reports that Hamas used human shields during the year. According to a 2009 report released by Israel's Ministry of Foreign Affairs, Hamas used human shields, including children, during Operation Cast Lead by placing launch pads and operation centers in civilian facilities.

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 organiza-

tions reported that “moderate physical pressure” in practice included beatings, requiring an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. Israeli NGOs continued to criticize what they termed abusive Israeli detention practices, including isolation, sleep deprivation, protracted handcuffing, shackling, and psychological abuse, such as threats to interrogate elderly parents or demolish family homes.

The NGO Defense for Children International-Palestine Section (DCI-Palestine) claimed Israeli security authorities often tortured and abused minors in custody to coerce confessions during interrogation, employing tactics such as beatings, long-term handcuffing, threats, rape, and solitary confinement. In 40 affidavits collected by DCI-Palestine in the last six months of the year, 28 children arrested and detained by the IDF claimed they were beaten and kicked, 24 experienced some form of position abuse, seven were stripped naked, and three were subjected to electric shocks.

On March 23, Israeli soldiers arrested a 16-year-old known as Basel from the West Bank village of at-Tabaqa. According to sworn testimony collected by DCI-Palestine, soldiers blindfolded, bound, and beat Basel, then transferred him to local settlers, who also beat him. He claimed he was pressured into confessing to throwing stones and that he was threatened with imprisonment and electric shocks. The IDF later left him barefoot on a road outside a West Bank settlement at 1 a.m., approximately 10 miles from his home.

On November 24, Israeli border police beat and kicked seven-year-old Adam in the East Jerusalem neighborhood of Silwan, according to a DCI-Palestine affidavit.

In 2008, according to the NGO the Public Committee Against Torture in Israel (PCATI), the Israeli Security Agency (known as the Shin Bet or ISA) arrested Jalal Sawafta and interrogated him and his parents. The Shin Bet interrogator allegedly threatened to demolish the family home if Sawafta’s parents did not convince Sawafta to confess to complicity in rigging a car bomb. PCATI reported that Sawafta’s complaint about the incident was closed at year’s end, but the State Attorney’s Office provided no detailed explanation for its decision to close the complaint, and there had been no investigation.

Degrading treatment by Israeli soldiers was documented on the Internet. In August former Israeli soldier Eden Abergil posted online photographs of herself posing with blindfolded and handcuffed Palestinian detainees. Although Israeli authorities condemned the act as degrading, there was no evidence of results in any investigation. In October the IDF launched an investigation into an online video, purportedly posted in 2008, featuring a soldier mocking and dancing around a blindfolded Palestinian detainee.

At year’s end two policemen from the Ma’ale Adumim police station, who were arrested in 2008 for severely abusing a Palestinian from Bethany, remained under house arrest, and investigations continued, according to PCATI.

Israeli law, high court rulings, and an IDF order prohibit Israeli forces from using human shields, but the prohibition was reportedly not always observed. Israeli soldiers used civilians, including three children, according to DCI-Palestine, as human shields, endangering their lives by forcing them to remain in or near houses being used as military positions or carrying out dangerous tasks such as inspecting properties. According to the Israeli Ministry of Justice, when a human shield complaint is registered, the Investigative Military Police opens an investigation.

On February 18, during a raid on a house in Nablus, Israeli soldiers reportedly forced 16-year-old Dua’a to search her home for potential booby traps. The soldiers ordered her to open closets and lift mattresses in the house, according to DCI-Palestine. There was no investigation or update at year’s end.

On April 16, two IDF soldiers detained 14-year-old Sabri in front of a school in Beit Ummar and forced him to walk in front of them while Palestinian protesters, urged by the IDF personnel, threw stones. The incident was photographed and published widely in Palestinian media. On October 19, the Israeli Military prosecutor for operational matters indicated that military police had opened an investigation into the case, but there was no update at year’s end.

On August 19, IDF soldiers near Nablus beat a 13-year-old boy known as Nazzal during a raid and forced him to guide them through an inspection of his uncle’s house, according to DCI-Palestine. There was no investigation or update at year’s end.

In the first conviction by Israeli courts in any human shield case, on October 3, an Israeli military court convicted two unidentified Israeli soldiers from the Givati Brigade who used a nine-year-old boy, identified as Majid Abd Rabbo, to search bags believed to contain explosives in January 2009 during Operation Cast Lead. Authorities sentenced the soldiers to three-month suspended prison terms for exceeding their authority by endangering a life and behavior unbecoming a soldier; both

were also demoted. The IDF also disciplined a lieutenant colonel for permitting Rabbo to enter a structure where combatants were present.

Nonstate Palestinian groups attacked Israeli targets in the West Bank. For example, the Syria-based Abu Musa group claimed responsibility for the September 26 shooting of two Israelis south of Hebron.

Israeli civilians committed violent acts against Palestinian civilians and their property with reportedly little or no intervention and no subsequent investigation by Israeli officials. Some settlers reportedly used violence against Palestinians to keep them away from settlements and land that settlers sought to expropriate. The Palestine Center estimated that between 2009 and mid-year, settlers committed approximately 1,000 acts of violence against Palestinians and their property. DCI-Palestine claimed in July that it had documented 38 cases of children attacked and injured by settlers between March 2008 and July 2010 near settlements in the vicinity of Bethlehem, Ramallah, Salfit, Hebron, and Nablus; in three of those incidents, children were killed. Six of the attacks, affecting eight children, reportedly occurred during the year. A November 2009 UNOCHA report cited settler violence as “a key factor undermining the physical security and livelihoods of Palestinians in many areas throughout the West Bank.”

On July 26, settlers conducted a series of attacks for more than 12 hours on the Palestinian village of Burin, during which time settlers assaulted Palestinians, looted vehicles, and burned nearby Palestinian fields, according to NGO and media reports. Local officials and NGO field workers on site stated that the IDF largely observed the attacks and took no action to prevent the attackers from regrouping. Local officials claimed PA fire service crews were restricted for more than an hour from entering the area to put out the flames.

On September 1, following a Hamas-related shooting that killed four Israeli settlers, approximately 50 settlers from the Kiryat Arba settlement near Hebron threw rocks at the nearby home of the Palestinian Idris family. Settlers knocked over outside fixtures and set fire to grass in front of the house. According to media reports, IDF soldiers accompanied the settlers and did not prevent the attacks. On the same day, another settler attack arbitrarily targeted Palestinian vehicles by breaking windows near the Jet junction, between Nablus and Qalqilya.

On November 11, settlers targeted a Palestinian woman and her two children, ages 10 and 11 years old, with rocks as they went to school in Tuqu village, near Bethlehem in the West Bank, according to media reports. A Palestinian group later protested the incident by burning tires and throwing rocks at Israeli vehicles, and a clash with Israeli forces ensued.

Settler violence against Palestinians in the Old City of Hebron continued to decline, according to local NGOs, attributed primarily to Palestinian video documentation of settler harassment. Nevertheless, residents and several former IDF soldiers reported that Israeli authorities in the Old City consistently refrained from protecting Palestinians against settler violence and failed to enforce law and order on assailants.

In April 2009 two male settlers near Ma'on settlement attacked a woman who was eight months pregnant. The men, whose faces were covered, pushed her to the ground, kicked her, and beat her with sticks. Although B'Tselem reported that Hebron police in May stated that they had interrogated three suspects, at year's end there was no evidence of an investigation.

Prison and Detention Center Conditions.—PA prison conditions improved in recent years, although the PA prison system remained significantly inadequate for the prison population it served. PA civil police prisons, which held nonsecurity prisoners, remained severely overcrowded. Space and capacity issues also reduced the availability of medical care and vocational or other programs for inmates in civil police prisons.

Unlike in the previous year, there were no deaths reported in PA civil police prisons from adverse conditions.

In December there were approximately 1,050 prisoners in the seven PA civil police prisons; women and male juveniles each constituted approximately 2 percent of the prison population, according to PA statistics. Male juveniles were at times housed with adult male prisoners. PA intelligence services held several hundred security detainees separately from the general population. PA authorities undertook prison improvement efforts at various facilities.

All PA civil police prisons allowed visitations on a weekly basis, religious observance, a procedure for submitting complaints, and an investigation process for complaints. During the year the PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions. Preliminary, unpublished accounts by human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were

some difficulties gaining access to specific detainees, depending on which security organization managed the facility.

Ombudsmen cannot serve on behalf of prisoners.

In the Gaza Strip prison conditions were reportedly poor, and little information was available. Detention facilities were unofficially reported below international legal or humanitarian standards. Hamas authorities announced an inquiry into the 2008 death of Taleb Mohammed Abu Sitta, who died of injuries following Hamas police detention. As a result Hamas suspended several police officers from duty, but there were no reports that any were tried, according to AI. The ICRC conducted monitoring visits to some prisoners in the Gaza Strip, but Hamas authorities denied representatives permission to visit captured IDF soldier Gilad Shalit.

IDF detention centers were less likely than Israeli civilian prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. In November B'Tselem and Hamoked reported unsatisfactory conditions in Shin Bet's Petah Tikva Prison, including poor hygienic conditions. Prisoners also continued to claim inadequate medical care. According to the Israeli Ministry of Justice, the IDF continued to ameliorate living conditions in two detention centers in the West Bank. Also, in November 2009 Israel began building a new detention complex next to the Ofer Camp military courts.

According to Israeli official figures, approximately 5,935 Palestinians were held in Israeli civilian prisons in December. Palestinian minors arrested in the West Bank were subject to the Israeli military courts system, which recognizes persons 16 years of age or older as adults; all minors between the ages of 16 and 18 were held in pretrial or posttrial detention with adults. Israeli minors between the ages of 16 and 18 arrested in the West Bank were subject to Israeli criminal and civil courts.

PCATI reported that approximately 650 prisoner complaints of mistreatment in Shin Bet facilities were not forwarded to police for criminal investigation between 2001 and November 2010.

Israel permitted the ICRC to monitor prison conditions. The Israeli Bar Association and NGOs sent representatives to meet with prisoners and inspect conditions in prisons, detention centers, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of imprisoned Palestinians, particularly Gazans, to visit.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly and regularly held detainees for months without trial. Hamas also charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation.

Reportedly Hamas practiced widespread arbitrary detention in the Gaza Strip.

Israeli law prohibits arbitrary arrest and detention, but Israeli security services did not always abide by these prohibitions.

Palestinian security detainees were under the jurisdiction of military law, which permits 10 days' detention without access to a lawyer or appearing before a court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks.

Role of the Police and Security Apparatus.—In West Bank Palestinian population centers, mostly "Area A" as defined by the Oslo-era agreements, the PA has formal responsibility for security and civil control; however, Israeli security forces since 2002 have conducted regular security operations in Area A cities without coordinating with PA security forces. In "Area B" territory in the West Bank, composed mostly of small Palestinian villages and farmland, the PA has civil control—including civil policing—but Israel retains responsibility for security control. In "Area C," which contains Israeli settlements, military installations, some small Palestinian villages and farmland, and open countryside, Israel retains full civil and security control.

Six PA security forces operated in the West Bank. The PA Civil Police has primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the Civil Police. The Military Intelligence agency, a subunit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services. PA security services are under the operational control of the minister of the interior. Military Intelligence is responsible for investigations into

allegations of abuse and corruption involving PA security forces and can refer cases to court.

In the Gaza Strip, forces under Hamas control maintained security. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity, such as the operation of smuggling tunnels.

Israeli authorities maintained their West Bank security presence through the IDF, Shin Bet, the Israeli National Police, and the Border Police. Israeli authorities in some instances investigated and punished abuse and corruption, but there were several reports of failure to take disciplinary action in cases of abuse.

According to Israeli and Palestinian NGO and press reports, the IDF was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians. The Association for Civil Rights in Israel (ACRI) stated that Israeli security and justice officials operating in predominantly Arab East Jerusalem displayed bias against Arab residents in investigating incidents involving Arab and Israeli actors. Palestinian residents, in several cases, sought to press charges against Israeli settlers or their security guards, but many complaints went uninvestigated despite the availability of evidence. Most complaints filed by Arab residents of East Jerusalem were of police misconduct from the Shalem and David police stations, which are responsible for Jerusalem's Old City and surrounding Arab neighborhoods where some Israeli settlers maintained highly defended presences.

Arrest Procedures and Treatment While in Detention.—PA law provides for prompt judicial determination of the legality of detention, and this provision was largely—but not uniformly—observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months or the detainee must be released. In several reported cases, PA security forces detained persons without warrants and without bringing them before judicial authorities within the required timeframe; however, PA judicial officials claimed no detentions extended beyond the time limit without trial. Bail and conditional release were available upon discretion of judicial authorities. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation.

PA Military Intelligence in a number of cases reportedly exceeded its legal authority to investigate other security services' officers and detained civilians suspected of "security offenses" such as terrorist activities. Hamas charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation, but the PA presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes. For example, Hamas stated that the PA unnecessarily targeted and in some cases carried out wave arrests of Hamas affiliates after PA officers detained seven members of an armed Hamas cell in the West Bank suspected of killing Israelis in shootings in Hebron and Ramallah on August 31 and September 2, respectively. Similarly, on December 9, PA authorities arrested 28 suspected Hamas supporters within 24 hours in Hebron, Nablus, Bethlehem, Tulkarem, Qalqilia, Salfit, and Jenin.

As in 2009 the PA sought military judicial review and court orders for detaining civilians suspected of terrorist activity. In several such cases, the PA disregarded civilian court orders requiring the release of these suspects, citing countervailing military court orders. In most of these incidents, the PA was unwilling to provide evidence required by the civilian court system, and the military courts provided a more efficient system to deal with any shortcomings in providing evidence.

There were reports that some PA security forces used disproportionate force during arrest operations. The PA General Administration for Reform and Rehabilitation Center, under the authority of the Ministry of Interior, operated a mechanism for reviewing complaints of prisoner abuse.

In the Gaza Strip, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review, or bail. Many of these detentions were apparently politically based, targeting former PA officials, Fatah party members, and those suspected of ties to Israel.

In one case, on February 15, Hamas detained British journalist Paul Martin without charge and held him until March 11. Martin was reportedly suspected of espionage but never faced charges. He did not appear before a judge to assess the legality of his detention and had no access to his lawyer between February 19 and March 1. Reports also indicated that neither Martin nor his lawyer had access to the evidence that led to his arrest, according to HRW.

Israeli authorities operate under military and legal codes in the occupied territories (see also Israel, section 1.d., *Arrest Procedures and Treatment While in Detention*). By law detainees can be held for up to 90 days without access to a lawyer.

Israeli authorities stated that their policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days, effectively holding detainees incommunicado. A military commander may request that a judge extend this period indefinitely.

Persons detained on security grounds fall under one or more of several legal regimes, which allow for the transfer of administrative detainees from the West Bank to detention in Israel. As a general practice, Arabs without Israeli citizenship detained for security violations were not granted bail.

Several NGOs claimed that Israel continued to overuse the administrative detention process in unexceptional and nonsecurity cases and as an alternative to standard criminal proceedings, particularly in cases where evidence is insufficient or cannot be publicly presented. Administrative detainees, according to B'Tselem, were not provided sufficient information on the reasons for their detention or the charges against them; they were rarely given an opportunity to refute the suspicions or access the evidentiary material presented against them in court. At year's end, according to B'Tselem, Israel held 204 Palestinians under "administrative detention" without having charged them with a crime; this was a decrease from the 278 held at the end of 2009. A military judge can reportedly issue administrative detention orders for up to six months, renewable indefinitely. PCATI alleged military commanders in the occupied territories used administrative detention orders based on "security reasons" even when the accused posed no clear danger. On December 26, Israel released a 16-year-old known as Moatasem after holding him in administrative detention since March 20.

Throughout the year there were reports that Israeli security forces in East Jerusalem and in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in antibarrier demonstrations. Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to their lawyers, but impediments to movement on West Bank roads or at crossings often made consultation difficult and postponed trials and hearings. The Government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.

During the year the Shin Bet continued its practice of incommunicado detention, including isolation from the ICRC, legal counsel, and family, throughout the duration of interrogation. There were also reports of torture and cruel, inhuman, and degrading treatment during interrogation, often to elicit confessions (see section 1.c.). The Palestinian human rights organization Addameer reported that 39 Palestinians were held incommunicado during the year. In a study released in November, PCATI estimated that approximately 8,000 to 10,000 of the 11,790 Palestinians held by Israeli authorities in the West Bank from 2005 and 2007 were for some period of time detained incommunicado. According to Physicians for Human Rights-Israel (PHR-Israel), isolation of prisoners with mental illness was common (see section 6, Persons with Disabilities). According to the Israeli government, the Israel Prison Service does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and other options have been exhausted, or, in some cases, during interrogation to prevent disclosing information. In such cases the Israeli government maintained that the detainee had the right to meet with representatives of the ICRC, Israeli Prison Service personnel, and medical personnel if necessary.

Nevertheless, NGOs reported that the Government constrained access to prisoners by the ICRC and other independent groups. On January 21, the deputy state attorney denied October 2009 requests from PCATI, ACRI, and PHR-Israel for representatives of the Public Defender's Office to visit Shin Bet facilities to provide counsel. A study by PCATI and the Palestinian Prisoner Society revealed in December that up to 90 percent of Palestinians in Shin Bet detention did not have access to legal counsel until after signing confessions.

B'Tselem cited a rise in the rate of Palestinian minors arrested and detained throughout the year in East Jerusalem, particularly in Silwan, in violation of Israel's youth law, which prohibits arrest or interrogation of minors after nightfall. NGO reports claimed that Israeli authorities routinely arrested minors at checkpoints, on the street, at night, and in early morning house raids, and transferred them to one of eight detention facilities for interrogation. In particular B'Tselem reported lack of parental presence at interrogation, as is permitted by law. In most cases authorities reportedly failed to inform parents where their children would be taken. According to DCI-Palestine, authorities also tortured and abused minors to coerce confessions (see section 1.c.).

e. Denial of Fair Public Trial.—The 2002 Palestinian Basic Law, amended in 2005, provides for an independent judiciary. In practice the PA generally respected judicial independence and the autonomy of the High Judicial Council, maintained

authority over most court operations in the West Bank. PA courts operated more efficiently than in previous years, demonstrating improvements in several procedural capacities, including case management, organization, transparency, evidence collection, and recordkeeping. Case backlogs were largely related to restrictions on movement imposed by Israeli authorities (see section 2.d.). Additionally, PA-affiliated prosecutors and judges stated that these prohibitions hampered their ability to dispense justice, including restrictions on their ability to transport detainees and collect witnesses. The PA increased financial allocations to the courts to fund additional court administrative staff, in response to an existing lack of personnel. Efforts to expand reforms continued at year's end. In some cases involving investigations by PA intelligence services in the West Bank, civilian defendants appeared before the PA's military court system, which has jurisdiction over security personnel and crimes by civilians against security forces. Palestinian NGOs criticized the practice of trying civilian defendants in military courts, while the PA defended the practice based on the security nature of the crimes involved.

In 2007 Hamas appointees replaced PA-appointed prosecutors and judges in the Gaza Strip. The PA declared the action illegal; however, courts operated by Hamas appointees continued functioning in the Gaza Strip throughout the year.

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 (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts. Israeli law defines security offenses to include a variety of different charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. Israeli civil law applied to Palestinian residents of East Jerusalem, and Israeli civil courts generally tended to rule against Palestinians.

Several NGOs claimed that Israeli military courts, which processed approximately 7,000 Palestinians in the West Bank during the year, were not equipped to adjudicate each case properly. In a 2007 study, the Israeli NGO Yesh Din stated that plea bargains had largely replaced full legal proceedings. In a sampling of 118 detention hearings observed, of both minors and adults, the average hearing lasted three minutes and four seconds. Of the 9,123 detention hearings for Palestinians in 2006, only 23 hearings, approximately 0.29 percent, resulted in the defendant being found not guilty. DCI-Palestine, which represented several hundred Palestinian minors each year in Israeli military courts, claimed Israeli military justice officials had made only negligible improvements since 2006.

Trial Procedures.—PA law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. 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 an "honor" crime. Defendants have the right to be present and to consult with an attorney in a timely matter during the trial, although during the investigation phase, the defendant only has the right to observe. The law provides for legal representation, at public expense if needed, in felony cases, but only during the trial phase. Defendants can confront or question witnesses against them or present witnesses and evidence during the trial, but not during the investigation phase; defendants may also review government-held evidence and have the right to appeal. Authorities generally observed these rights in practice.

Hamas authorities in the Gaza Strip follow the same criminal procedure law as the PA in the West Bank. However, Hamas does not use the same penal code as the PA in the West Bank, following instead the 1936 penal code enacted by the British during the mandate period.

Palestinians held by Israeli authorities in the West Bank or in Israel were subject to trial in Israeli military courts. Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli civil law in the nearest Israeli district court.

Signed confessions by Palestinian minors, which were written in Hebrew, a language most cannot read, constituted a source of evidence against minors prosecuted in Israeli military courts. Every Palestinian minor prosecuted in Israeli military courts during the year pleaded guilty; lawyers stated they were often reluctant to run full evidentiary hearings for fear the minor would remain longer in detention.

According to HRW the August conviction of Abdullah Abu Rahmah, charged in relation to antibarrier protests in 2005 and 2009, did not specify particular events related to the charges against him and relied on statements in Hebrew signed by children unable to read the language that were later retracted. A court validated Abdullah Abu Rahmah's allegations of unfair trial and lack of proper investigation but acquitted him only partially (see section 2.b.).

Political Prisoners and Detainees.—The PA during the year tried approximately 10 cases in which Palestinians were accused of collaborating with Israel. Following a Supreme Court ruling that found military court prosecution of civilians illegal, an unknown number of cases were transferred to governorate authorities during the year. Independent reports claimed that a variety of these cases may have included political prisoners. There were no statistics available on the number of political prisoners and detainees the PA may have held during the year.

Hamas detained several hundred persons, allegedly because of their political affiliation, and held them for varying periods of time. Numerous allegations of denial of due process and some executions were associated with these detentions.

There was no information at year's end about access to political prisoners by international humanitarian organizations.

In two politically motivated events on April 12, Fatah stated that Hamas security forces raided the home of Fatah Revolutionary Council member Abdullah Abu Samhadana and later arrested Fatah official Ibrahim at-Tahrawi.

Israel held noncitizen Palestinians in detention in Israel and in prisons in the West Bank. On March 28, the High Court of Justice rejected an NGO petition that called for a cessation of Palestinian prisoner and detainee transfers to Israeli territory inside the Green Line and an end to the use of military courts in such cases. PA officials claimed that at year's end there were 130 Palestinians held inside Israel serving sentences of at least 20 years—most were political and security prisoners.

Ten Palestinians held by Israel were members of the PLC.

On March 19, Israeli authorities arrested and held in administrative detention Hamas-affiliated PLC members Nezar Ramadan and Azzam Salhab; they were released without trial or charges on September 8, according to Addameer.

On October 18, Israeli soldiers arrested PLC member Hatem Qafisha, affiliated with Hamas via the "Reform and Change Movement" (Hamas' electoral campaign platform, see Section 3). Previously, authorities arrested Qafisha in 2007 and held him in administrative detention without charges or trial until November 2009. There were reports that he faced six months of administrative detention.

On December 30, Israeli authorities rearrested Hamas politician Khalil al-Rabai in his Hebron home; al-Rabai previously served a three-year prison term ending in 2009.

Civil Judicial Procedures and Remedies.—The PA civil and magistrate courts handled civil suits and were able to provide an independent and impartial judiciary in most matters. However, there were unconfirmed reports of various factions trying to influence judicial decisions. A citizen can file a suit against the Government, including on matters related to alleged abuses of human rights, but this was uncommon. There are administrative remedies available in addition to judicial remedies, but they were seldom used. The execution of court orders was not systematic.

Gaza Strip residents may file civil suits, including those related to human rights violations. Unofficial anecdotal reports claimed that Gaza Strip courts operated independently of the Hamas government and were, at times, impartial. There were reports that enforcement of court orders improved.

Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF, but a 2002 law denies Palestinians the possibility of obtaining compensation in most cases for human rights abuses or injuries resulting from illegal acts by Israeli security forces. Amendments in 2005, which the High Court in 2006 partially overturned, added obstacles to Palestinian plaintiffs seeking compensation.

Property Restitution.—When the IDF offered opportunities for compensation for demolished or seized homes, subject to an appraisal, verification, and appeals process, Palestinians generally refused, citing a desire not to legalize the confiscation. Due to documentation dating from the Ottoman period, a traditional land tenure system with communal, family, and individual rights commingled. According to Israeli-imposed definitions of land ownership, Palestinians had difficulty verifying ownership in Israeli courts (see section 1.f.).

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 often ignored these requirements.

Palestinian civilians targeted Israeli settlers' properties. For example, on August 22, according to Israeli settlers in Shilo, Palestinians burned approximately 13 acres of settler-owned vineyards.

Hamas authorities in the Gaza Strip frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources.

There were no reports that Israeli security monitored private communications or movement of individuals without legal process. Under occupation orders only IDF officers of lieutenant colonel rank and above could authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. There were no reported cases of IDF soldiers punished for acting contrary to this requirement.

In the West Bank, Israel continued to demolish homes, other buildings, and other property constructed by Palestinians in areas of the West Bank under Israeli civil control on the basis that these buildings lacked Israeli planning licenses. Compensation was generally not offered in these cases. Properties 328 yards from the separation barrier or IDF military installations also remained subject to demolition or confiscation. There were 141 demolitions during the year. B'Tselem reported in July that more than 20 percent of the settlements' built-up areas rested on areas that Israel recognized as private Palestinian land. Exceptions to the November 2009 moratorium (which expired in September) on new residential settlement construction occurred on a case-by-case basis for projects with preexisting foundations and for public construction such as schools and infrastructure.

During the year Israeli authorities demolished 113 houses and 240 other commercial or community-use structures in "Area C," which is under the full jurisdiction of Israeli civil and military authority. The demolitions affected 13,847 persons, including 7,777 children. This was a significant increase from the 191 demolitions in 2009, which affected 572 persons, including 332 children, according to UNOCHA. Many of these demolitions occurred in Bedouin and herder communities in the Tubas Governorate, where Israeli policies largely prohibit Palestinian construction.

In March IDF personnel leveled several acres of Palestinian farmland in the West Bank village of Beit Jala to continue construction of the separation barrier, in some cases clearing land within feet of existing residential structures, according to NGO reporting. Lawyers representing several of the affected families stated that the IDF did not have valid orders and that the families did not have an opportunity to appeal the confiscations legally. A Palestinian family in the Bethlehem area whose property straddled the Jerusalem municipal boundary was encircled with fencing and concertina wire by the IDF; the family was allowed limited access in and out of the residence.

On July 19, IDF personnel demolished more than 70 structures in the small farming village of al-Farisiya in the Jordan Valley; the action displaced 113 persons, approximately half of whom were children, according to NGO and media reports. Residents reported the village was designated a "closed military zone," although military activity was not observed during the year. IDF troops returned on August 5 and demolished rebuilt structures.

On October 12, the IDF confiscated 250 acres of Palestinian-owned land in the West Bank village of Jaloud, near the Israeli settlement of Eli, for military purposes. This order followed a series of incidents on October 10-13 in which the IDF, as well as Israeli settlers, separately bulldozed what residents claimed was Palestinian-owned land in the vicinity of existing Israeli settlements.

In East Jerusalem home demolitions decreased significantly compared with 2009, although the Jerusalem Municipality demolished twice as many nonresidential structures (54 during the year, compared with 23 in 2009), often affecting private family businesses. The Jerusalem Municipality demolished 24 homes in East Jerusalem that it stated were built without municipal permits, compared with 57 in 2009, although seven additional homes were demolished during the year by their owners after receiving a demolition notice to avoid being charged by the municipality for the cost of demolition.

Construction did not begin at the site of the historic Shepherd Hotel in East Jerusalem, although municipal authorities issued construction permits for the site in March. In July 2009 the Jerusalem Municipality approved plans to construct two apartment buildings on the site of the hotel, owned by the Palestinian Hussein family from 1945 to 1967; it was confiscated as absentee property by the Government of Israel in 1967 and privately purchased in the 1980s.

In 2009 the court ruled against two Palestinian families living in the East Jerusalem neighborhood of Shaykh Jarrah and ordered evictions for the Hanoun and al-Ghawi families, affecting 53 persons, including 20 children. The Nakhalat Shimon group took control of the properties and submitted plans to demolish approximately 28 homes to make way for a new Israeli settlement, according to UNOCHA.

In the Gaza Strip, B'Tselem reported that Israeli authorities destroyed 12 homes for alleged military purposes, displacing 38 persons. The Israeli blockade on the Gaza Strip also inhibited all mail delivery and importation of construction supplies.

There were reports that East Jerusalem municipal authorities invaded Arab residents' privacy. According to ACRI some security cameras positioned in Arab neigh-

borhoods pointed directly inside homes. Palestinian residents in East Jerusalem and the West Bank also claimed Israeli settlers and security guards often arbitrarily videotaped them in public.

Israeli settlers reportedly continued to confiscate and vandalize Palestinian property during the year. As in previous years, violence and vandalism occurred during the autumn olive harvest, prompting disputes over land. By October 25, Israeli authorities had recorded 27 official complaints about settler theft of olives from Palestinian trees. Israeli human rights organizations stated that the olive-harvest incidents indicated a new trend of disruptive activity by settlers towards Palestinians in the West Bank. Rabbis for Human Rights reported that approximately 600 trees were harvested near the Havat Gilad settlement before being harvested by their Palestinian owners. The ICRC reported in February that settlers had cut down, burned, or uprooted approximately 10,000 olive trees since 2008. There were no known investigations into the incidents. Affected Palestinians and human rights NGOs reported that the IDF was largely unresponsive to actions against Palestinians in the West Bank. The Israeli NGO Yesh Din reported in October that more than 90 percent of investigations into offenses against Palestinians carried out by Israeli settlers in the West Bank were unsuccessful. Yesh Din monitored 97 complaints filed against Israeli settlers for damage caused to Palestinian-owned trees; police closed every case due to unidentifiable perpetrators or insufficient evidence. Although IDF and Palestinian officials took steps for the first time to mitigate olive-harvest violence, in some instances Israeli security authorities reportedly prevented Palestinian farmers from accessing their land to harvest the crop.

On August 17, according to residents of the West Bank village of Qusra, Israeli settlers from newly established settlement outposts attacked Palestinian olive groves, causing damage to hundreds of trees.

In incidents throughout September and October, Israeli settlers in Shilo and Ariel confiscated farmland and cut down hundreds of Palestinian-owned olive trees, prompting retaliations by Palestinians, who reportedly cut down more than 100 settler olive trees, according to both NGO and media reporting.

In September Israeli settlers harvested olives from Palestinian olive trees near Nablus and Qalqiliya, several weeks ahead of the traditional harvest season.

Settlers also exploited religious tensions to harass Palestinian villages by vandalizing, breaking into, or burning at least three mosques. These incidents aimed to accomplish political ends, such as warning Israeli officials against supporting policies that limit settlers' presence in the West Bank, in a policy the settlers publicly referred to as "price tag."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The PA Basic Law provides 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 specifically providing for freedom of press; however, PA institutions applied aspects of an unratified 1995 press law as de facto law. In practice, however, the PA security forces in the West Bank and members of the Hamas security apparatus in the Gaza Strip continued to restrict freedom of speech and press. Self-censorship continued as a result of political and social pressures.

Although there is no PA law prohibiting criticism of the Government, there were reports that the Government was not fully tolerant of criticism. The PA prohibits calls for violence, displays of arms, and racist slogans but rarely enforced these provisions.

Across the occupied territories, three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids were published. There were approximately 25 television and 65 radio stations; the PA operated one of each. Since 2008 several factional satellite stations opened, including the pro-Hamas al-Quds, established in 2008. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. International news outlets continued to maintain offices and stringers in the Gaza Strip.

During the year the PA ministries of information, interior, and telecommunications established and enforced the registration and licensing of local Palestinian television and radio stations. Registration fees ranged from 3,500 to 25,000 Jordanian dinars (approximately \$5,000 to \$35,000). During the year a number of smaller local radio and television stations were forced to close, at least temporarily, as they raised funds to cover the registration and annual licensing fees.

PA security forces reportedly harassed, detained, and prosecuted journalists several times during the year due to their reporting. In the West Bank, PA security forces raided the offices of several independent media outlets suspected of filming local demonstrations. They confiscated videotapes and briefly detained several jour-

nalists working for Gaza-based media. PA security services reportedly threatened pro-Hamas journalists working in the West Bank and West Bank-based journalists working for the Gaza-based outlets.

On May 11, PA intelligence services arrested Amer Abu Arfa, a correspondent of the Gaza-based Shihab news agency, in connection with his reporting. In June a PA court in Hebron sentenced him to three months in prison and a fine of 500 Jordanian dinars (\$700) for “resisting the policies of the authorities.” According to the Committee to Protect Journalists (CPJ), the PA considered the Shihab news agency pro-Hamas.

On July 17, PA security forces raided the offices of the independent Watan television, reportedly because the outlet filmed a demonstration by the pan-Islamic political organization Hizb al-Tahrir.

In January, according to the CPJ, a PA military court sentenced Tareq Abu Zaid, a reporter for the Gaza-based al-Aqsa satellite channel, to 18 months in prison for allegedly “transferring information and money.” The Palestinian Center for Development and Media Freedoms (MADA) and the International Freedom of Expression Exchange (IFEX) reported that Abu Zaid was arrested in November 2009 because of his work as a correspondent for al-Aqsa television. On November 14, according to IFEX, PA authorities released Abu Zaid. The PA banned the Hamas-affiliated al-Aqsa television in 2007; however, since it is a satellite station, Palestinians living outside the Gaza Strip maintained access to it.

The PA maintained a distribution ban in the West Bank on the twice-weekly pro-Hamas al-Risala and the Filistin daily, both Gaza-based publications.

For the first time in 10 years, the Palestinian Journalists Syndicate, a membership-based union representing the majority of Palestinian journalists based in East Jerusalem, the West Bank, and the Gaza Strip, with more than 400 journalists, held an election. The syndicate’s new leadership laid out a detailed agenda of reforms, including the establishment and adoption of a set of bylaws and the development of ties with international organizations dedicated to the protection and promotion of journalists’ rights.

In the Gaza Strip, individuals publicly criticizing authorities risked reprisal by Hamas. On December 5, Hamas internal security forces dispersed a peace protest in which participants were criticizing the Government. In January 2009, according to HRW, an unidentified man criticized a Hamas leader in a conversation on the street. That evening, he stated, more than a dozen armed men with black masks took him from his home and shot him three times in the lower legs and ankles.

Since 2007 only pro-Hamas broadcast media and the Voice of the People, a radio outlet affiliated with the terrorist organization Popular Front for the Liberation of Palestine, operated in the Gaza Strip. Hamas maintained the closure of all Fatah-affiliated television and radio broadcast outlets in the Gaza Strip. The Fatah-allied Palestinian television and Voice of Palestine radio continued operating in Ramallah after relocating there from the Gaza Strip in 2007. Two other Fatah-affiliated radio stations in the Gaza Strip, al-Hurriyah and al-Shabab, remained off the air during the year.

Journalists faced arrest, harassment, and other pressure from Hamas due to their reporting or political affiliation (see also section 1.d., Arrest Procedures and Treatment While in Detention). Hamas constrained journalists’ freedom of movement during the year, banning access to Rafah and hospitals in the Gaza Strip. On several occasions during the year, according to the Office of the UN High Commissioner for Human Rights, Hamas detained journalists from independent and Fatah-affiliated outlets.

On August 14, Hamas raided the Gaza City Reuters office, following Reuters reporting about a violent Hamas-Salafist incident in Rafah.

On November 10, Hamas representatives raided the Ramattan News Agency to stop a press conference hosted by the Palestinian National Action Committee.

On December 13, Hamas authorities detained and questioned Ziad Ismail Awad, a contributor to the Kuwaiti television channel Wasl and the office director at the Fatah parliamentary bloc in the Gaza Strip. According to MADA, Awad stated that he was questioned about producing a television program depicting Palestinian suffering in the Gaza Strip and about his connections to the PLC. He was released that evening but reported poor treatment in detention.

During the year Hamas continued to ban distribution of the PA’s official daily, al-Hayat al-Jadida, in the Gaza Strip. On July 6, local Palestinian media reported that Israeli authorities agreed to allow the distribution of Palestinian newspapers into the Gaza Strip starting the following day. The purported change in policy represented the first time since February 2009 that Israel agreed to allow Palestinian newspapers to enter the Gaza Strip. The following day, despite the well-publicized announcement, Israeli authorities at the border crossing refused to allow the news-

papers to enter the Gaza Strip. Both Hamas and Israeli authorities claimed that the other prevented circulation of the dailies.

Israeli authorities placed limits on certain forms of expression in the occupied territories. For instance, in East Jerusalem, displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Authorities reviewed Arabic publications for material perceived as a security threat; this review pertained to all Jerusalem-based publications, but al-Quds was the only newspaper in the occupied territories subjected to regular Israeli censorship.

As a general rule, Israeli media were able to cover the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.). Israel revoked the press credentials of the majority of Palestinian journalists during the Second Intifada in 2000, with the exception of a few Palestinian journalists who worked as stringers for prominent international media outlets. As a result most Palestinian journalists were unable to cover stories outside the Palestinian-controlled areas of the West Bank.

There were reports of Israeli authorities detaining or assaulting journalists during the year.

On January 12, Israeli authorities detained and later deported Jared Malsin, editor in chief of the English-language section of the independent Bethlehem-based Ma'an News Agency. The CPJ reported that interrogation transcripts indicated Malsin was deemed a security risk because of his political beliefs and reporting.

On January 28, Israeli forces reportedly assaulted a group of Palestinian journalists covering olive tree planting in the West Bank village of Burin. According to reports by MADA and the CPJ, soldiers informed the journalists that photographs were prohibited because the area is a closed military zone. When the reporters refused to stop taking photographs, the soldiers hit the reporters and attempted to seize their cameras before employing tear gas and stun grenades. According to MADA, there was no investigation or prosecution as a result of the incident.

On April 30, the IDF prevented al-Jazeera from covering an antibarrier demonstration in Bil'in. Security forces arrested al Jazeera camera operator Maidi Bannoura and his assistant Nader Abu Zer, according to media reports. According to al-Jazeera, no investigation or prosecution took place as a result of the incident.

Internet Freedom.—According to a report issued by the Palestinian Central Bureau of Statistics in 2009, 32.3 percent of Palestinians had access to the Internet. 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.

On October 31, PA authorities arrested Walid Husayin, a 26-year-old barber from Qalqilya, and charged him with insulting Islam after he posted provocative comments about atheism on his blog and on social media. At year's end he had not been granted a trial and remained in prison.

Hamas did not restrict Internet access; however, based on anecdotal reports from Palestinian civil society organizations and social media practitioners, Hamas authorities monitored Internet activities and postings of Gaza Strip residents. Individuals posting negative reports or commentary about Hamas, its policies, or affiliated organizations faced questioning and were at times required to remove or modify online postings. No information was available regarding punishment for not complying with such demands.

In June Hamas authorities arrested Sri Mohammed Qudwah, the editor of the online al-Sabah newspaper, and confiscated his equipment, according to Freedom House.

Israeli authorities did not restrict access to the Internet; however, they monitored some Internet activity. In March 2009 the IDF central military censor began to monitor blogs, and there was at least one report that the IDF monitored Internet chat rooms during the year.

On March 20, the IDF reportedly arrested Moatasem Nazzal, a 16-year-old from Qalandiya refugee camp, in his home and held him in administrative detention, which was renewed twice. During interrogation the IDF allegedly asked Nazzal about his Internet friendship with a Gaza Strip resident, whom he met in an Internet chat room.

Academic Freedom and Cultural Events.—In the West Bank, the PA did not place restrictions on academic freedom or cultural events. During the year Palestinian authorities did not interfere with education; however, restrictions on movement adversely affected academic institutions in the West Bank, and violence affected them in the Gaza Strip (see section 2.b.).

In the Gaza Strip, Hamas and other groups sought to disrupt UN-run academic programs that did not teach a strict interpretation of Islam. Twenty-five masked men of unknown affiliation burned and vandalized a UN summer camp on June 27; the perpetrators accused the UN of corrupting Gazan youth with a summer program of human rights studies, games, and sports.

Israeli authorities generally did not permit students from the Gaza Strip to attend West Bank universities. On July 7, the Israeli High Court rejected a petition submitted by the Israeli NGO Gisha and the Palestinian NGO al-Mezan on behalf of Fatma Sharif, a human rights lawyer in the Gaza Strip, who had been accepted into a master's degree program in human rights and democracy studies at Bir Zeit University in the West Bank, explaining that it would not intervene with the existing policy.

However, in August the Israeli coordinator of government activities in the occupied territories granted three Gazans short-term renewable permits to pursue their undergraduate studies in the West Bank.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, and authorities rarely denied them. However, there was at least one example of PA forces disrupting a meeting during the year.

On August 25, according to several NGO and political activists, PA security officials disrupted a meeting of political activists and members of civil society organizations who were discussing Palestinian negotiations with Israel. NGOs and press reports claimed that plainclothes officers disrupted the event and initiated small altercations with the activists. On August 30, PA Prime Minister Fayyad issued a public apology for the disruption of the event; on September 1, the organizers of the original conference staged a public rally without incident.

Following the 2007 Fatah-Hamas clashes in the Gaza Strip, Hamas banned rallies and impeded freedom of assembly for Fatah members. In 2008 Hamas decreed that any public assembly or celebration in the Gaza Strip required prior permission, in contradiction to the PA basic law.

From the beginning of the year, according to B'Tselem reports, the IDF implemented for the first time since the Oslo peace process, a military order that effectively prohibited Palestinian demonstrations and limited freedom of speech in the West Bank. The regulations stipulate that a gathering of 10 or more persons requires a permit from the regional commander of military forces if the event relates to any "political subject" or might be construed as such. The penalty for a breach of the order is 10 years' imprisonment or a heavy fine. According to IDF statistics requested by B'Tselem, there was one conviction during the year under the order.

Israeli security forces used force against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, killing two West Bank protesters and one antibarrier demonstrator during the year. The IDF used force particularly against protests by the Popular Resistance Committee against the construction of the separation barrier.

On January 15, the Jerusalem District Police arrested 17 demonstrators during a nonviolent protest in Jerusalem, including Hagai El-Ad, ACRI's executive director. The demonstrators claimed authorities detained them for 36 hours, then released them without condition after the Jerusalem Magistrate Court ruled that there was no legal cause for their arrest. ACRI stated the arrests exemplified what it described as a growing trend by the police to disperse demonstrators unlawfully and conduct arbitrary arrests to intimidate demonstrators.

In February the IDF Central Command designated the areas adjacent to the separation barrier in the villages of Bil'in and Ni'lin as closed military areas every Friday during the hours in which Palestinian, Israeli, and international activists regularly demonstrated. There were frequent skirmishes between the antibarrier protesters and IDF personnel. IDF and Israeli police personnel stationed on the far side of the barrier during weekly protests in Bil'in and Ni'lin, for instance, responded to rock throwing with tear gas, stun grenades, sound bombs, and rubber-coated bullets. During the year Israeli forces began using a specially treated water to disperse the crowds; sprayed as a mist, it has an overwhelming odor of sewage that lasts for days and can induce vomiting. B'Tselem reported that Israeli forces also arrested many demonstration organizers, holding some of them without charge for periods of up to three weeks, and deported some foreign participants. The IDF continued to detain 80 residents of Bil'in since 2005.

In December 2009 Israeli authorities arrested Abdullah Abu Rahmah of the Bil'in Popular Committee and charged him in a military court with arms possession, stone throwing, incitement, and illegal assembly. In August the court acquitted Abu Rahmah of the charges of arms possession and stone throwing but convicted him

on charges of incitement (defined as “the attempt, verbally or otherwise, to influence public opinion in the area in a way that may disturb the public peace or public order”) and illegal assembly. On October 11, the court sentenced Abu Rahmah to one year in prison including time served, setting a release date of November 18. The military prosecutor appealed Abu Rahmah’s sentence prior to his release date, asking that his release be delayed “to serve as a deterrent not only to [Abu Rahmah] himself, but also to others who may follow in his footsteps.” The court increased Abu Rahmah’s sentence to 16 months. Several NGOs estimated that the strict sentence was also an attempt by Israeli authorities to intimidate Palestinian protesters.

During the year Israeli authorities also arrested demonstrators protesting land ownership decisions, particularly in the East Jerusalem neighborhood of Sheikh Jarrah. On March 4, the Israeli High Court of Justice ruled that police in Jerusalem had been overly restrictive in barring protests near contested properties in the Sheikh Jarrah area; the ruling temporarily prompted increased turnout at the weekly protests.

Freedom of Association.—In the West Bank, the PA law allowed for freedom of association, but it was sometimes limited in practice.

In the Gaza Strip, Hamas attempted to prevent various organizations from operating. On October 12, security forces reportedly closed the Gaza headquarters of the Palestinian Journalists Syndicate without prior notification or explanation. In November Hamas blocked a conciliatory International Federation of Journalists meeting that aimed to connect West Bank and Gaza journalists.

In July 2009 Hamas closed at least 45 NGO offices. Most of the NGOs were Fatah-affiliated, but a number were politically independent.

Israel maintained prohibitions on at least seven prominent East Jerusalem-based Palestinian institutions—the Orient House, the de facto PLO office in Jerusalem, the East Jerusalem Chamber of Commerce, the Higher Arab Council for Tourism, the Palestine Research Center, the Palestinian Prisoners Club, and the Social Research Office—claiming that the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem.

On January 11, IDF and Israeli immigration officials entered Ramallah and arrested a Czech activist with the International Solidarity Movement (ISM), later deporting her on the basis that she lacked a valid Israeli visa. On February 7, according to local press reports, Israeli officials detained two foreign ISM activists; both were released on February 8 following their agreement not to reenter the West Bank. The ISM’s stated purpose is to strengthen Palestinian popular resistance to the Israeli occupation through “direct-action” methods, such as demonstrations and protests.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 provides for freedom of movement, and the PA generally did not restrict freedom of movement. The Basic Law does not specify regulations regarding foreign travel, emigration, or repatriation.

Hamas authorities in the Gaza Strip enforced movement restrictions on Gazans attempting to exit to Israel via the Erez Crossing and maintained more relaxed restrictions on transfer to Egypt via the Rafah Crossing; Hamas authorities did not appear to enforce routine restrictions on internal movement within the Gaza Strip, although there were some “no go” areas to which Hamas prohibited access.

The PA, Hamas, and Israel governments generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons and refugees, although the ability of the UN Relief and Works Agency (UNRWA) to operate freely in Gaza was constrained by both Hamas and Israeli officials.

The IDF restricted Palestinians’ movement within the occupied territories and for foreign travel, and it heightened these restrictions at times, citing military necessity. Barriers to movement included checkpoints, a separation barrier between the West Bank and Israel, internal road closures, and a blockade on the Gaza Strip. 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, humanitarian, and NGO activities. During the year the IDF relaxed restrictions at several checkpoints and roads that previously posed significant barriers to movement by Palestinian populations between the West Bank and urban centers. Nevertheless, according to UNOCHA, as of June there were 505 obstacles to movement inside the West Bank, identified as follows: 66 fully manned checkpoints, 20 occasionally manned checkpoints, 106 road gates, 167 earth mounds, 46 road barriers, 70 roadblocks, 20 earth walls, and 10 trenches.

According to UNOCHA, the Israeli government largely halted the remaining planned construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank, mostly due to a lack of political will and an overall increase in security. If completed, the barrier would separate approximately 9.5 percent of the West Bank (135,000 acres inhabited by up to 50,000 Palestinians), including parts of Jerusalem, from the rest of the West Bank territory in a “seam zone.” Israel continued to restrict movement and development within this area, including access by some international organizations. During the year approximately 34 of the checkpoints along the separation barrier were restricted to Israelis and Palestinians with permits. Palestinians with worker permits were required to pass through one of 11 pedestrian crossings. Palestinians with permits, those working in international organizations, and biometric card holders and their immediate families were able to pass in vehicles through any of the crossings. A 2003 petition by the NGO HaMoked against the legality of the permit system had not been ruled on by year’s end, although a 2004 International Criminal Court advisory body deemed the barrier contrary to international law.

Private security companies employed by the Israeli government controlled points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to move goods and officials through the barrier. The barrier affected the commutes of school children living on its eastern side and attending school in Jerusalem. For example, students from Bir Nabala, which is surrounded by the barrier, took detours of seven to 10 miles to pass through checkpoints to reach school. The barrier and the permit system also affected some farmers who were separated from land and water resources, which curtailed agricultural practice and resulted in deterioration of the harvest quality and quantity.

Operating hours of the accessible gates were limited and erratic, although usually announced. Crossing procedures were relaxed at some checkpoints to the east of the separation barrier; Israeli authorities lifted permit requirements, extended operating hours, and performed fewer searches and random documentation checks in comparison with previous years, especially during holidays.

Israeli authorities frequently prohibited travel between some or all West Bank towns. Palestinians who lived in affected villages stated that such “internal closures,” which could last years, had negative economic effects. During periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted “comprehensive external closures,” which precluded Palestinians from leaving the West Bank. The IDF also imposed temporary curfews confining Palestinians to their homes during arrest operations.

Although Israeli authorities reopened Route 354 and Route 443, with some restrictions to Palestinian traffic, three other roadblocks on Route 60 impeded movement for tens of thousands of residents of Palestinian villages south of Hebron, cutting direct access for businesses to the city’s commercial center. Palestinians not resident in the Jordan Valley generally were unable to drive on the main north-south route, Highway 90.

The blockade on the Gaza Strip imposed by Israel since 2007 continued its significant effect on the population in the Gaza Strip, according to the UNRWA and other humanitarian and human rights groups. The UN estimated that 80 percent of the population of the Gaza Strip relied on international food aid during the year. International and Israeli human rights organizations described the blockade as “collective punishment” of the residents of the Gaza Strip, as it restricted access to basic goods and prevented civilians from temporary travel abroad or changing their place of residence permanently. During the year Israel eased the blockade, but with only one open commercial crossing, the number of truckloads entering the Gaza Strip each week was less than 40 percent of that before the blockade began.

Israel’s strict closure on the Gaza Strip also resulted in the cessation of postal services. Humanitarian organizations reported that the closure significantly hindered their ability to operate and limited opportunities for Gazans to communicate with family and friends outside the Gaza Strip.

The UNRWA operated 228 schools with more than 206,000 students in the Gaza Strip, but the agency claimed its capacity was severely overstretched by the Israeli blockade and that restrictions on movement and access undermined its ability to provide education. UNRWA schools in the Gaza Strip ran on a double-shift in “compressed learning periods” and were severely overcrowded with as many as 50 students per classroom. Thousands of students were schooled in makeshift classrooms, including one school serving 865 students built entirely from shipping containers.

Essential infrastructure in the Gaza Strip, including water and sanitation services, was in a state of severe disrepair due in part to an inability to bring in spare parts and components under the blockade. The sewage and water systems were fre-

quently inoperable, and as a result approximately 21 million gallons of raw or partially treated sewage was pumped into the ocean each day, according to the UNRWA. Israel prohibited private sector companies from importing cement and gravel; entry of these goods was permitted only for specific UN or other internationally coordinated projects. As a result Gaza Strip residents lacked the necessary supplies to rebuild homes destroyed during Operation Cast Lead.

Personal travel in and out of the Gaza Strip was limited to one crossing point and was restricted to humanitarian cases only; however, Israeli authorities denied many Gazans access to Israel and Egypt for medical treatment and detained some during the year. PHR-Israel claimed that, based on security considerations, Israeli authorities did not issue medical or humanitarian exit permits to Palestinians in the Gaza Strip regardless of professional medical opinions. Israeli authorities also rejected requests for Palestinians to exit the Gaza Strip for medical treatment due to fears that the patients might emigrate and unite with family in the West Bank. On January 11, various NGOs, including al-Mezan Center for Human Rights, Adalah Legal Center, and PHR-Israel, petitioned the attorney general against the practice of detaining patients at the border, but on March 2, the General Security Service stated that Israel may legally arrest persons at the border seeking medical treatment.

In March 2009 the Israeli Ministry of Defense released a detailed rubric for determining whether a resident of the Gaza Strip may be permitted exit and entry under exceptional humanitarian cases. Between January and June, Israel refused exit to all of the 1,095 orthopedic and neurology patients in need of medical treatment; in June Israeli authorities told PHR-Israel that hip and knee replacements did “not meet the criteria” for issuing exit permits. In January Israel prevented 17 patients from going to Ramallah for cornea transplants, resulting in the disposal of the donated organs.

Movement to the West Bank from Gaza was severely restricted to a limited number of Palestinians holding Israeli-issued permits. In one case, Israeli authorities refused to allow Issam Hamdan, a 40-year-old man suffering severe back pain, to enter Israel to receive specialized medical care in Jerusalem because Israeli authorities suspected he might reunite with his wife and four children in the West Bank. On February 9, the NGOs PHR-Israel and Gisha filed a petition before the Supreme Court on behalf of Hamdan, prompting Israeli authorities to withdraw objection and allow him to seek treatment in Jerusalem.

On October 16, two-year-old Gazan Nasma Abu Lashee died of treatable leukemia while waiting for permission from Israeli authorities to receive treatment in Israel.

Israel continued to enforce restrictions on access to farmland in the Gaza Strip near the border with Israel and to fishing areas along the coast, with the stated intention of preventing attacks by Palestinian armed factions. Israel on average enforced an approximately 1,000 yard-wide “buffer zone” and at times fired warning shots as far away as 1,640 yards from the border, according to UNOCHA (see also section 1.a.). The “buffer zone” encompassed approximately 24 square miles, representing 17 percent of the Gaza Strip’s total land mass. UNOCHA estimated that nearly 35 percent of the Gaza Strip’s cultivable land was located within the restricted area.

Eighty percent of the maritime area designated accessible to Gazans under the Oslo Accords remained off-limits; the IDF implemented a three-nautical-mile-wide limit that was strictly enforced by Israeli naval patrol boats. In the northern Gaza Strip, Israel prevented Palestinians from accessing a 1.5-nautical-mile-wide strip along the maritime boundary with Israel and a one-nautical-mile-wide strip in the south, along the maritime boundary with Egypt, as established in the 1994 Gaza-Jericho Agreement. Israeli naval forces regularly fired warning shots at Palestinian fishermen entering the restricted sea areas, in some cases directly targeting the fishermen, according to UNOCHA. The Israeli military often confiscated fishing boats intercepted in these areas and detained the fishermen.

IDF soldiers at checkpoints sometimes subjected Palestine Red Crescent Society (PRCS) ambulances from the West Bank to delays or refused entry to Jerusalem, for security reasons. Patients were moved across checkpoints from one ambulance to another. The PRCS reported violations against its teams and humanitarian services during the year. Most incidents (159) included blocking access to those in need, preventing their transport to specialized medical centers, or maintaining delays on checkpoints for periods ranging from 30 minutes to two hours. Most incidents (142) took place on checkpoints leading to Jerusalem, while the remainder took place on other checkpoints circling the West Bank.

On April 13, Israeli Military Order 1650 went into effect, broadening the definition of “infiltrator” in the Prevention of Infiltration Law to include anyone who enters the West Bank unlawfully or any persons in the West Bank without permits, making them subject to criminal charges and potential deportation to the Gaza

Strip. Palestinians and human rights NGOs expressed concern about whether the order legalized the deportation of up to 35,000 Palestinians living in the West Bank with registered Gaza Strip addresses. In 2000 Israel stopped updating changes in address for Palestinians who moved from the Gaza Strip to the West Bank. As a result thousands of Palestinians, originally from the Gaza Strip but living in the West Bank for many years, continued to hold identity cards with home addresses in the Gaza Strip. There were reports that Palestinians were deported to the Gaza Strip border on these grounds during the year.

On April 21, Israeli authorities transferred West Bank resident Ahmad Sabbah Said to the Gaza Strip following his release from an Israeli prison, where he had served a nine-year sentence on charges for offenses committed during the Second Intifada. Several NGOs claimed he was transferred immediately, without a judicial review. Authorities justified the deportation by his possession of an identity card issued in the Gaza Strip, where he lived for one year in the 1990s. Sabbah's wife and children remained in the West Bank city of Tulkarem.

On April 27, the Israeli government expelled 19-year-old Hebron resident Fadi Aiada al-Azazma to the Gaza Strip. According to HaMoked, al-Azazma was taken into custody from his workplace and transferred to the Gaza Strip hours later, without a judicial review. Al-Azazma was born in the Gaza Strip but moved to the West Bank with his family when he was seven years old.

Israeli authorities delivered both deportees to the Erez crossing point at the northern end of the Gaza Strip. According to press reports, Hamas refused to allow either Sabbah or al-Azazma to pass through a checkpoint inside the border so as not to "legitimize" Israel's removal of Gazan identity card holders from the West Bank. Both remained in a tent for more than one month in the area between the Israeli and Hamas positions; however, both were living in the Gaza Strip at year's end, according to reports.

The IDF since 2000 restricted Gazan students from studying in the West Bank or Israel and limited West Bank Palestinians from university study in East Jerusalem and Israel (see section 2.a.). During the year students were allowed to leave the Gaza Strip only when escorted by foreign diplomats or contractors of the country accepting them for study. Some students from the Gaza Strip accepted for university study abroad were unable to apply for visas in Jerusalem and were therefore prevented from leaving for further education abroad.

The PA issued passports for Palestinians in the West Bank and the Gaza Strip. Because there were no commercial flights from the occupied territories, and permits to use Ben Gurion airport were not available, travelers departed by land to Jordan or Egypt. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter Israel from either Ben Gurion airport or land entry points.

Palestinians possessing Jerusalem identity cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued them passports.

Residency restrictions affected family reunification, as it did not qualify as a reason to enter the West Bank. For any child, access to a parent in the West Bank was permitted only if no other relative was resident in the Gaza Strip. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or whose residence permits the Government subsequently withdrew, 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 were required to obtain a residency permit and reported delays of several years in obtaining them. Palestinians in Jerusalem also reported delays in registering newborn children.

The PA basic law prohibits forced exile, and the PA did not use forced exile.

In practice Israeli revocations of Jerusalem identity cards amounted to forced exile to the occupied territories or abroad and have continued in recent years. There were no statistics on residency revocations available at year's end. According to HaMoked, the Ministry of Interior revoked the Jerusalem residency of more than 700 Palestinians in 2009. In 2008 the Ministry of Interior revoked the residency of 4,577 Palestinians in East Jerusalem, including 99 minors. The number of cases of residency revocation in 2008 alone was equal to approximately one-half the total number of cases of residency revocation between 1967 and 2007. 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. Some Palestinians born in Jerusalem but who studied abroad reported losing their Jerusalem residency status.

On June 3, the Israeli National Police notified four Hamas-affiliated PLC members of the revocation of their Jerusalem residency status, according to the Civic Co-

aliation for Defending Palestinian Rights and press reports. The decision to revoke their Jerusalem residency permits came from the Israeli Ministry of Interior shortly after their election to the PLC in 2006. Israeli authorities arrested and detained the four individuals for three years; three were released during the year and continued to reside in Jerusalem under the administration of the ICRC, and the fourth remained in detention at year's end awaiting trial on illegal presence charges.

Internally Displaced Persons (IDPs).—There were approximately 20,500 IDPs in the occupied territories, nearly all of whom remained displaced as a result of Operation Cast Lead. Although they have no specific legislation to protect IDPs along UN principles and guidelines, West Bank and Gaza Strip authorities are bound by international human rights laws underlying these obligations on displacement. The PA provided some assistance to those displaced through rental subsidies and financial assistance to reconstruct demolished houses. The UNRWA and humanitarian organizations provided services to aid IDPs in the Gaza Strip.

During the year the UNRWA provided rental assistance to approximately 2,000 families whose shelters were destroyed during hostilities, assisted with the living expenses of 3,810 families whose shelters were destroyed or severely damaged during hostilities, and identified 10,283 families whose shelters needed to be fully rebuilt. In March the UNRWA received approval to import construction materials to complete the construction of 151 shelters in Khan Younis, which had been stalled since Israel imposed the Gaza Strip blockade in 2007. However, due to the requirement that UN projects be approved on a case-by-case basis and the general ban on the importation of cement and gravel, the UNRWA was unable to begin construction on any additional shelters. The UNRWA continued to provide psychological support and counseling, including for children traumatized by hostilities with Israel, through its community mental health program.

During the year according to the UNRWA, the Israeli government obstructed IDP access to UNRWA-provided humanitarian assistance in refugee communities in at least 339 incidents in parts of the West Bank, causing lengthy detours.

The Internal Displacement Monitoring Center reported that Israeli demolition of Palestinian property in East Jerusalem added to the threat of displacement for Palestinians (see section 1.f.).

Protection of Refugees.—There were no reports of persons seeking asylum or residence in the occupied territories.

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 under the Basic Law that international observers concluded generally met democratic standards in providing citizens the right to change their government peacefully. Hamas-backed candidates participated in the 2006 PLC elections under the name "Reform and Change Movement," rather than "Hamas," and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats. The PLC lacked a quorum and did not meet during the year. Although the Israeli government and the PA followed mutually agreed guidelines for Palestinians residing in Jerusalem to vote in 2005 and 2006, not all Palestinians were allowed to vote in East Jerusalem, and those who could vote were required to do so via post offices (of which there were few), thereby complicating their efforts to vote.

On June 10, immediately before candidate registration ended, the PA canceled municipal elections scheduled for July. The Hamas and Islamic Jihad parties had pledged to boycott the elections, and various Fatah members claimed plans to run as independents. The Ministry of Local Government stated that the decision to postpone came in response to the demands of some Arab nations and a number of "friends in the world." The calls from abroad reportedly advised the PA to postpone the elections "to pave the way for a successful end to the siege on the Gaza Strip and for continued efforts at unity," the statement explained.

There were 17 women in the 132-member PLC (which was not called into session) and three women in the 16-member cabinet. There were seven Christians in the PLC and two in the cabinet.

Civil society organizations in the Gaza Strip claimed Hamas authorities and other conservative Islamist groups did not tolerate public dissent, opponents, or the promotion of values that ran contrary to their political and religious ideology.

Section 4. Official Corruption and Government Transparency

Palestinian law provides criminal penalties for official corruption. The PA operated a functioning anticorruption commission, special prosecutors, and an anticorruption court consisting of a panel of three judges. PA ministers were subject

to financial disclosure laws. The PA attorney general had official responsibility for combating government corruption. Nevertheless, there were allegations of corrupt practices among Fatah officials, particularly in the theft of public funds and international assistance money. Supervisors dismissed anticorruption unit head Fahmi Shabaneh in 2009 after he uncovered a sex scandal relating to one of President Abbas' aides.

In the Gaza Strip, local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including involvement by the Hamas Executive Force, but access to information and reporting were severely inhibited.

PA law requires official PA institutions to "facilitate" acquisition of requested documents or information by any Palestinian, but it does not require agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

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

Palestinian human rights groups and several international organizations generally operated without PA restriction, and officials cooperated with their efforts to monitor the PA's human rights practices.

PA officials generally cooperated with and permitted visits by UN representatives or other organizations, such as the ICRC. Several PA security agencies, including the General Intelligence Service and the Civil Police, appointed official liaisons with human rights groups.

The quasi-governmental ICHR continued serving as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas; the ICHR also issued formal recommendations to the PA.

In the Gaza Strip, Hamas authorities pressed international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas-controlled "Ministry of Social Affairs." Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations for questioning. On May 24, Hamas authorities prevented the ICHR from holding a press conference to release its annual human rights report.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although restrictions on freedom of movement in the West Bank, fighting, and access restrictions in the Gaza Strip made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences; it provided the ICRC with access to most detainees.

On January 31, several NGOs including B'Tselem, Gisha, Yesh Din, and PHR-Israel, submitted a complaint to Israel's president and prime minister regarding the Government's obstruction of their work in the occupied territories. They claimed that Shin Bet had summoned demonstrators and human rights activists for investigation and, in some cases, warned activists that they must refrain from political activity. The NGOs claimed that Israeli military authorities placed severe restrictions on organizations working in the occupied territories to provide medical care, accompany residents to their agricultural work and children to school, and help residents file complaints of violence by Israeli security forces or settlers.

Also in January the Association of International Development Agencies (AIDA), an umbrella organization for NGOs operating in the occupied territories, reported that Israel ceased issuing the appropriate type of work visa to foreign nationals working for most international NGOs operating in the occupied territories. The Government instead issued most of these employees tourist visas, which do not permit employment, and some visas permitted only a single entry. AIDA claimed the new visa policy would impinge upon the international NGO community's ability to recruit international staff and operate in Jerusalem, where many NGOs keep offices. The decision does not apply to the 12 organizations, including the ICRC, that were active in the West Bank prior to 1967.

International NGOs reported continued difficulty accessing "seam zone" communities in the northwestern West Bank, particularly Barta'a al-Sharqiya in the Jenin Governorate, due to excessive demands for searches of personnel, including UN employees, based on their nationality.

Israeli authorities throughout the year prevented PHR-Israel's medical delegations from entering the Gaza Strip to provide treatment and medical counseling, perform surgery, train Palestinian medical staff, distribute medication, and refer patients for follow-up treatment in Israeli hospitals. Israeli authorities also rejected

two requests by a medical delegation from the Musallam Center in Ramallah to enter the Gaza Strip to perform eye surgery and cornea transplants, according to PHR-Israel.

UN organizations and international NGOs criticized the Israeli government in regard to the May 31 flotilla incident, exclusion of the West Bank and Gaza Strip from the application of the UN Convention on the Rights of the Child, and the protection of human rights during the 2008-09 Operation Cast Lead incursion into the Gaza Strip (see Israel, section 5).

Section 6. Discrimination and Societal Abuses

Women.—Rape is illegal under PA law, but the legal definition does not address spousal rape. Punishment for rape is five to 15 years in prison.

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. A woman must provide two eyewitnesses (who are not relatives) to initiate divorce on the grounds of spousal abuse. According to HRW few domestic violence cases have been successfully prosecuted in recent years. According to the Palestinian Central Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. Specifically, a 2009 survey by the Palestinian Women's Information and Media Center found that 52 percent of Gazan women faced regular physical violence and 14 percent were subjected to sexual violence. Thirty-seven percent of women in the Gaza Strip cited domestic violence as the primary safety problem facing women and girls in their communities, according to a 2009 survey conducted by the UN Gender Task Force. The results reported increases in domestic violence against women among households displaced by conflict. Displaced women were more likely than other women to say they feel unsafe using a bathing or latrine facility, and they also cited a greater lack of reliable sanitary materials.

During the year the UNRWA initiated a referral mechanism for refugee women who are victims of violence in the West Bank and the Gaza Strip. In some cases women approached village or religious leaders for assistance. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) conducted a study of women's issues in the occupied territories in 2009, reporting that many women and girls were reluctant to resort to women's organizations, human rights organizations, or security and justice providers, such as the police and courts, because of the strong social stigma attached to reporting abuses. Many women and girls stated they believed the legal system discriminated against women.

Sexual harassment was a highly sensitive issue in the occupied territories, particularly abuses committed by family members. The DCAF reported that Palestinian women and girls claimed public harassment was commonplace; reports of verbal harassment, unwanted flirting, and inappropriate touching were frequent, causing anxiety and apprehension in some young women and girls. The DCAF and other NGOs reported that for some women, cultural taboos and fear of scandal compelled them to remain silent. Some young women claimed that they were held responsible for "provoking" men's harassing behavior.

The ICHR reported no "honor" killings in the Palestinian territories during the year. According to NGO reports, the Jordanian penal code, as applied in the West Bank by the PA, reduces the penalty for honor-based killings.

Couples and individuals in the Gaza Strip, the West Bank, and East Jerusalem had access to contraception. Information regarding family planning was lacking, although the UNRWA held workshops for Palestinian men, underscoring their role in family planning. High workload, poor compensation, and resource shortages continued to affect skilled attendance during labor and postpartum care, much of which was provided by midwives. There was no reliable data on figures of maternal mortality in the occupied territories. While governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the equality of services provided for women.

A Palestinian Ministry of Women's Affairs existed to promote women's rights. The law provides for equality of the sexes, but personal status law and traditional practices discriminate against women. For Muslims in the West Bank and the Gaza Strip, personal status law is derived from Sharia (Islamic law), which includes inheritance and marriage laws. Women can inherit, but not as much as men. Men may take more than one wife, although they rarely did in urban areas (the practice was more common in small villages). Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Muslim women were generally discouraged from including divorce arrangements in a marriage contract as a result of societal pressure.

Hamas maintained control of the Gaza Strip and enforced a conservative interpretation of Islam on the Gaza Strip's Muslim populations, which particularly discriminated against women. Authorities prohibited any public mixing of the sexes. Plainclothes officers routinely stopped, separated, and questioned couples to determine if they were married; premarital sex is a crime punishable by imprisonment. Hamas's "morality police" also punished women for riding motorcycles and dressing "inappropriately." Hamas operated a women's prison to hold women convicted of "ethical crimes" such as "illegitimate pregnancy." On July 18, Hamas authorities banned women from smoking the traditional water pipe in public cafes on the grounds that it was inappropriate. According to media reports, plainclothes security officers enforced the decree, and several cafe owners were questioned or temporarily detained for nonenforcement. Although enforcement of "ethical crimes" was in some cases inconsistent, according to press reports, it continued to increase.

Across the occupied territories, 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.

Palestinian labor law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from taking employment in dangerous occupations. According to the UN Development Program's 2005 Arab Human Development Report, Palestinian women experienced a significant employment gap in comparison with their male counterparts, with women consisting of approximately 15 percent of the labor force. Women endured prejudice and, in some cases, repressive conditions at work. Additionally some employers reportedly provided preferential treatment to their male counterparts. According to Freedom House, women earned 65 percent of men's wages in the West Bank and 77 percent in the Gaza Strip.

The Palestinian Journalists Syndicate, a membership-based union representing the majority of Palestinian journalists based in East Jerusalem, the West Bank, and the Gaza Strip, did not allow female journalists' membership. There were specific reports that female journalists in the Gaza Strip faced hurdles in pursuing employment. The UN Development Fund for Women reported that gender-specific stereotypes restricted female journalists in their content coverage, limiting them to issues such as beauty, fashion, women, and children.

Female education rates were high, particularly in the West Bank, and women's attendance at universities exceeded men's, but female university students reported discrimination by university administrators, professors, and their male peers, according to the DCAF. According to press and NGO reports, in some instances girls not wearing conservative attire in Hamas-run schools were sent home by teachers, although enforcement was not systematic.

Children.—Israel registers the births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires that the PA transmit this information to the Israeli Civil Administration. As the PA does not constitute a state, the PA does not determine "citizenship" alone. Children of Palestinian parents can receive a Palestinian identity card (issued by the Israeli Civil Administration) if they are born in the occupied territories to a father who holds a Palestinian identity card. The PA Ministry of the Interior and the Israeli Civil Administration both play a role in determining a person's eligibility.

Education in PA-controlled areas is compulsory from age six through the ninth grade. Education is available to all Palestinians without cost through high school.

In the Gaza Strip, primary education was not universal. The UNRWA and Hamas provided educational instruction.

In Israeli-administered East Jerusalem, Palestinian children did not have access to the same educational resources as Israeli children (see section 6, Minorities).

Child abuse was reportedly a widespread problem. The Basic Law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence. A 2009 study by the UN Gender Task Force found that in the southern Gaza Strip, survey participants reported a high level of perceived domestic violence against children.

Israeli security forces also participated in violence against children in custody or during arrest (see section 1.c.), according to NGO and UN reports. The IDF fired at minors working inside or near the Gaza Strip buffer zone; DCI-Palestine documented 23 cases between March and December of children shot while collecting building material and scrap metal, and in one case grazing goats, near the border fence with Israel. DCI-Palestine reported that most children were shot in the leg without intent to kill. The IDF fired on children as far as 875 yards from the border fence.

There were reports of female genital mutilation performed on girls during the year, although the scope of the practice was unknown.

The PA considers statutory rape a felony, based on the Jordanian penal code of 1960, which also outlaws all forms of pornography. The minimum age for consensual sex is 18. Palestinian judges reportedly issued harsher sentences to persons involved in pornography including images of children. Punishment for rape of a victim under the age of 15 includes a minimum sentence of seven years.

Anti-Semitism.—In both the Gaza Strip and the West Bank, Palestinian media published and broadcast material that included both anti-Israeli and anti-Semitic content, which sometimes amounted to incitement. Rhetoric by several Palestinian groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas's al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

Palestinian media not under the control of the PA, particularly those controlled by Hamas, continued to use inflammatory anti-Semitic language. Unofficial Palestinian television broadcast content that sometimes praised holy war to expel the Jewish presence in the region. Some children's programs shown on Hamas television legitimized the killing of Israelis and Jews via terrorist attacks.

Persons With Disabilities.—The Basic Law states that all Palestinians are equal. There is no reference to discrimination or disability. Access to public facilities was not mandated.

Palestinians with disabilities continued to receive poor quality services and care. The PA depended on UN agencies and NGOs to care for persons with physical disabilities and offered substandard care for persons with mental disabilities.

Familial and societal discrimination against persons with disabilities existed. Press reports indicated that some parents in the West Bank performed hysterectomies on mentally ill girls to prevent them from becoming pregnant; most of these parents stated they intended to protect their daughters from rape.

There were reports that Israeli authorities placed detainees deemed mentally ill or a threat to themselves or others in isolation without full medical evaluation. According to PHR-Israel, isolation of prisoners with mental disabilities was common. In March PHR-Israel and Addameer petitioned the Israeli High Court of Justice to amend article 36 of the National Security Orders, which they claimed allows for indefinite detention of a Palestinian accused of a felony if the detainee is deemed unfit for punishment on mental health grounds. The NGOs filed the petition after PHR-Israel received a case in which Israel Prison Service authorities held an unnamed Palestinian found unfit for punishment for weeks in a prison psychiatric ward, although doctors determined it was not medically necessary.

In another case PHR-Israel petitioned for the release of Ibrahim Abu Mustafa from isolation. Abu Mustafa had been detained in isolation since 2004 on the grounds that he posed a hazard to his surroundings due to his mental health condition. On August 25, the state notified Abu Mustafa that he would be released from isolation; however, at year's end his release was not confirmed.

National/Racial/Ethnic Minorities.—Palestinians faced violence and discrimination in the occupied territories (see also sections 1.c. and 1.f.). Access to social and commercial services, including housing, employment, education, and health care, in settlement areas in the West Bank was available only to Israelis. Israeli officials discriminated against Palestinians in the West Bank and Jerusalem regarding access to employment and legal housing by denying Palestinians access to registration paperwork. In both the West Bank and Jerusalem, Israeli authorities placed often insurmountable hurdles on Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often-unavailable municipal works. According to B'Tselem, since 2000 Israel has curtailed the Palestinian population registry, denying paperwork to Palestinians and effectively declaring Palestinians illegal residents. Some Palestinians defined as illegal residents faced harassment, arrest, or deportation to the Gaza Strip.

Israeli settler radio stations broadcasting from the West Bank depicted Arabs as subhuman and called for expulsion of Palestinians from the West Bank.

The Municipality of Ma'ale Adumim in the West Bank continued applying a 1965 Jordanian labor law to Palestinian employees that denied them some social benefits enshrined in Israeli labor law, such as rehabilitation pay, pensions, travel expenses, and education funding.

Israel's system of water distribution in the West Bank discriminated against Palestinian populations and failed to provide Palestinian residents with a sufficient,

regular, and safe water supply, according to ACRI. Israel controlled 85 percent of the water supply in the West Bank and allocated on average 16 gallons of water per person per day to Palestinians and 63 gallons per person per day to Israeli settlers. According to the World Health Organization, 26 gallons per person per day is the minimum daily amount required to maintain basic hygiene standards and food security.

In the West Bank, some NGOs reported an increase in settler expropriation of natural water springs located on privately owned Palestinian land. Yesh Din documented settler expropriation of 26 springs and their conversion into recreational "nature parks." Palestinian residents reported that water supplies were intermittent, and settlers and their security guards denied Palestinians, including shepherd and farmers, access to the springs. PA officials in July stated that Israeli authorities closed five Palestinian wells in the Tubas Governorate, while the Israeli national water company, Mekorot, drilled 17 new wells in the governorate. Mekorot reduced the water ration for one Tubas Governorate village, Bardala, from 315 cubic yards per hour to 120 on average; 30 percent of Bardala residents received no water on some days.

There were reports that Israeli authorities attempted to reduce the Palestinian population and limit their movement in areas under Israeli control. Military authorities severely restricted Palestinian vehicular and foot traffic in the commercial center of Hebron, citing a need to protect several hundred Israeli settler residents. Palestinians were prohibited from driving on most roads in downtown Hebron and from walking on Shuhada Street and other roads in the Old City; however, Israeli settlers were permitted free access on these roads. The prohibition, which began in 2000, has resulted in the closure of 1,829 business and 1,014 Palestinian housing units, according to B'Tselem; the IDF closed most shops on the street and sealed entrances to Palestinian houses. Four Palestinian families who maintained residence on the street had access during the year.

Jerusalem municipal and Israeli national policies aimed to decrease the number of Palestinian residents and increase Israeli claim to East Jerusalem. The Israeli government and Jerusalem Municipality used a combination of zoning restrictions on building by Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to "contain" non-Israeli neighborhoods, while simultaneously permitting construction of new housing for Israeli residents in predominantly Palestinian East Jerusalem. The Jerusalem Municipality maintained its longstanding policy of city planning along ethnoreligious demographic lines across the city in an effort to keep the Jewish population at 70 percent.

The Israeli NGOs Bimkom and Ir Amim claimed that Palestinians in East Jerusalem were unable to purchase property or build on land owned by the Israeli Land Authority. Land owned or populated by Arabs (including Palestinians and Israeli Arabs) was generally zoned for low residential growth. Approximately 30 percent of East Jerusalem was designated for Israeli residents; Arabs were able in some cases to rent Israeli-owned property but were generally unable to purchase property in an Israeli neighborhood due to citizenship or military duty requirements that Arabs were unable to meet. Israeli NGOs claimed that of all land designated for housing in West Jerusalem and in the Israeli neighborhoods of East Jerusalem, at least 79 percent was unavailable for Arab construction.

The Jerusalem Municipality and Jewish organizations in Jerusalem made efforts to increase Israeli property ownership or underscore Jewish history in areas occupied by Arabs or Muslim institutions. The Jerusalem Municipality advocated increased Jewish influence and property ownership in East Jerusalem's Kidron Valley, or "Holy Basin." On June 21, the Jerusalem Municipal Planning Council voted to demolish at least 22 Arab-owned properties in the al-Bustan neighborhood to make way for a Jewish-themed historical park. Israeli NGOs claimed that this project, the evictions in Sheikh Jarrah, and other projects effectively encircled Jerusalem's Old City and Haram al-Sharif/Temple Mount with Israeli-owned properties, severing Palestinian societal connections to the area.

Although Israeli law entitles Arab residents of East Jerusalem to full and equal services provided by the municipality and other Israeli authorities, in practice the Jerusalem Municipality failed to provide sufficient social services, infrastructure, emergency planning, and postal service for Arab neighborhoods in East Jerusalem. ACRI reported in October that only 10.3 percent of the Arab population received social services. Approximately 160,000 Arab residents of East Jerusalem had no suitable or legal connection to the municipal water network. Trash collection was insufficient in most Arab neighborhoods of East Jerusalem and nonexistent in others.

Disparities in social services provided by Israeli authorities in East Jerusalem correlated to ethnicity. The Jerusalem Municipality did not provide sufficient educational resources for Palestinian children in East Jerusalem, according to ACRI

and the NGO Ir Amim, which claimed that thousands of Palestinian students studied in crowded classrooms, often in ill-fitting structures that did not meet municipal standards.

Most municipal forms were not available in Arabic. Bus services in Jerusalem were largely segregated. According to ACRI, eight post office stations in East Jerusalem served a population of approximately 300,000, whereas 42 post office stations in West Jerusalem served a population of 500,000. Only one postman, serving 260,000 residents, delivered mail in Arab neighborhoods of East Jerusalem.

On August 6, the Israeli High Court ruled that an ultraorthodox school in the West Bank settlement of Emmanuel must stop separating students based on their ethnicity and remove all signs of discrimination. Since 2007 the school had separated students of different ethnic backgrounds and required them to wear different uniforms.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Cultural and religious traditions rejected homosexuality, and some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

Israeli press reported that Majed Koka, a gay Palestinian man from the West Bank who immigrated illegally to Israel, was continued to await a response from the Israeli Interior Ministry regarding his petition for legal residency on humanitarian grounds. Koka in September stated that he could not safely live in Nablus, his hometown, as an openly gay man.

In the Gaza Strip, an unidentified 19-year-old man remained in prison without trial because of his homosexual orientation, according to HRW.

Other Societal Violence or Discrimination.—The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was common.

Section 7. Worker Rights

a. The Right of Association.—The law permits workers to form and join independent unions of their choice, and this right was respected in practice. Labor unions in the Gaza Strip continued to operate despite a severely weakened economy. However, in many cases Hamas replaced Fatah-affiliated union leaders with Hamas members or sympathizers, and during the year Hamas detained a number of non-Hamas-affiliated union activists.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions, which was a member of the International Trade Union Confederation. Both unions were registered with the PA Ministry of Labor. Membership in the Union of Arab Employees (UAE) is automatic and mandatory for all West Bank UNRWA employees.

According to the NGO United Civilians for Peace, Palestinians working in West Bank settlements reported hostile responses to their efforts to organize unions.

Workers in Jerusalem may establish unions but may not join West Bank federations. Despite this restriction the West Bank-based PA Employees' Union and Teachers' Union counted East Jerusalem members among their ranks, and Israeli authorities rarely took steps to enforce this restriction unless high-profile events or senior PA officials were involved. Workers holding Jerusalem identity cards may belong to the Israeli General Federation of Labor (Histadrut), but they may not vote in Histadrut elections.

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 Ministry of Labor arbitration, and submit to disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a special committee and eventually to a court. Accordingly, in practice the right to strike remained questionable.

PA employees organized fewer strikes than in previous years, in large part because the PA was able to pay salaries during the year in the West Bank. In general PA employees staged strikes over nonpayment of wages, to protest disparities between union claims and official cost of living statistics, or to demand payment of arrears. There were no reports of private-sector strikes during the year.

UAE employees called for strikes throughout the year. The union engaged in some coercive actions during employee strikes in October and November by physically preventing nonstriking employees from entering the workplace and reportedly engaging in physical violence in a few incidents.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining, and this was enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited. Collective bargaining agreements covered 20 percent of workers.

Antiunion discrimination and employer interference in union functions are illegal, and the Government enforced these prohibitions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the PA labor law does not expressly forbid forced or compulsory labor, PA law states that work is a right and that the PA will attempt to provide it for any capable individual. The Ministry of Labor interpreted this statement to prohibit forced and compulsory labor. However, children were vulnerable to forced labor conditions.

d. Prohibition of Child Labor and Minimum Age for Employment.—By law children under the age of 15 are not permitted to work in PA-administered areas, and Ministry of Labor inspectors enforced this prohibition through factory visits and inspections. PA officials reported that the Ministry of Labor employed 45 labor inspectors, who investigated child labor violations. However, they are not specifically trained for child labor inspections, and they perform this function as part of their other duties as inspectors. The ministry acknowledged their need for more inspectors. Hiring of children between the ages of 15 and 18 for limited types of employment is permitted under set conditions, including limited hours and a prohibition on operating certain types of machines and equipment. 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. Nevertheless, many underage children—with estimates as high as 72 percent of Palestinian children—in PA-administered areas worked on family farms and in shops, as street vendors, in factories, or in small enterprises.

In the Gaza Strip, the UN estimated that hundreds of children were forced to find work, as the poor economy made it difficult for families to provide adequate resources solely through parental income. Children worked in high-risk activities and zones, including as laborers in the tunnel networks between the Gaza Strip and Egypt and in collecting scrap materials from areas close to the Israeli border, where they were at risk of live fire from Israeli troops (see sections 1.c. and 6, Children). Some children were used as informants and human shields in armed conflict. Information on respect for child labor laws in the Gaza Strip was not available.

The PA Ministry of Labor 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. The Israeli government stated that it did not issue permits for Palestinian West Bank residents younger than 18 years old to work in Israeli settlements, except in the Jordan Valley, where the law allows work permits for persons from the age of 16 and older. Migrant workers living in the Jordan Valley during the harvest season brought their families with them, but their children did not have proper structures for schools because the Israeli government prohibited the construction of classrooms.

e. Acceptable Conditions of Work.—There was no minimum wage in Palestinian-controlled areas. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past decade due to increases in cost of living that outpaced salary increases. The average wage in the occupied territories was 1,000 Jordanian dinars (approximately \$1,400) per month, approximately the same as the Israeli minimum wage.

The NGO United Civilians for Peace and the Israeli NGO Kav laOved reported that the Israeli minimum wage was generally the highest wage paid to Palestinians working in settlements and that such workers complained of receiving much lower wages than Israelis working in the same areas. Palestinians reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2008 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. However, several cases brought by Palestinians against Israeli employers who offered less than the minimum wage remained pending in Israeli courts at year's end.

On October 20, Palestinian workers in an Israeli Sol-Or factory on the Green Line went on strike for multiple days, demanding their legal entitlement to the Israeli minimum wage. The workers claimed they received an inadequate 90 shekels (approximately \$24) for an eight-hour workday involving hazardous tasks.

In the West Bank, the average workweek was 43 hours, and in the Gaza Strip it was approximately 40 hours, according to the Palestinian Central Bureau of Statistics. The maximum official Sunday to Thursday workweek was 48 hours. There were reports that PA government employees were pressured to work additional hours to be promoted. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the option of not working on Sunday rather than Friday.

The PA Ministry of Labor was responsible for safety standards, but its enforcement ability was limited. There were no reported exceptions for any sector, industry, or company to labor ministry standards. However, employees of small construction and service firms were at greatest risk for workplace injuries, according to union officials. Unions complained that the PA did not effectively monitor smaller work-sites, which were at times below legal standards for safety.

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein, with a population of 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 120-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). Parliamentary elections, which international observers deemed credible, were held on November 9 after the king dissolved parliament in November 2009. Security forces reported to civilian authorities.

There were limitations on the right of citizens to change their government peacefully, and a newly drafted electoral law perpetuated the significant underrepresentation of urban areas and citizens of Palestinian origin in leadership positions. Domestic and international nongovernmental organizations (NGOs) reported cases of arbitrary deprivation of life, torture, poor prison conditions, impunity, arbitrary arrest and denial of due process through administrative detention, prolonged detention, and external interference in judicial decisions. Citizens continued to describe infringements on their privacy rights. Restrictive legislation and regulations limited freedoms of speech and press, and government interference in the media and threats of fines and detention further encouraged self-censorship, according to journalists and human rights organizations. The Government also continued to restrict freedoms of assembly and association. Legal and societal discrimination and harassment remained a problem for women, religious minorities, converts from Islam, members of the lesbian, gay, bisexual, and transgender (LGBT) community, and some persons of Palestinian origin. Local human rights organizations reported widespread violence against women and children. The Government restricted labor rights, and local and international human rights organizations reported high levels of abuse of foreign domestic workers.

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 during the year that the Government or its agents committed unlawful killings.

In November 2009 Saddam al-Saoud died of injuries allegedly sustained in police custody at the Al Hussein Police Station. Saoud's family said Public Security Directorate (PSD) officers caused Saoud's injuries when they hit him on the head with a gun. At year's end, felony cases against six PSD officers remained pending.

Also in November 2009 Fakhri Kreishan died of injuries sustained during an altercation with police two days earlier in the southern city of Ma'an. A police officer reportedly hit him on the head with a baton. At year's end, the felony case against the officer was pending.

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, international NGOs continued to report incidences of torture and widespread mistreatment in police and security detention centers. Article 208 of the penal code prohibits torture by public officials, including psychological harm, and provides penalties of as long as three years' imprisonment for the use of torture, with an increased penalty of up to 15 years if serious injury occurs. Human rights lawyers found the law ambiguous and supported amendments to better define "torture" and strengthen sentencing guidelines. The Government has not charged an individual under article 208.

Local and international NGOs criticized the use of special police prosecutors and courts to try PSD personnel accused of torture and police misconduct as ineffective and not transparent. As part of the 2009 reform process, the Government gave civilian prosecutors authority to assist in the investigation of torture allegations, even though such cases were tried in a police court.

International and domestic organizations stated that security forces continued to practice torture, particularly in police stations; however, observers commented that allegations of torture in prisons decreased during the year. On May 14, as part of its periodic review process, the UN Committee against Torture expressed "deep concern" at "the numerous, consistent, and credible allegations of a widespread and routine practice of torture and ill-treatment of detainees in detention facilities and that such allegations were seldom investigated or prosecuted." A August 30 National Center for Human Rights (NCHR) report on prisons and police detention centers cited 33 complaints of mistreatment in detention centers and three complaints from prison inmates between January 1 and June 30. The NCHR report also commented on individual violations perpetrated by law enforcement staff in some police stations and observed that several forms of torture were practiced against the defendants and detainees. A report issued in January by the international NGO Human Rights Watch (HRW) also noted that torture continued to be practiced in the country's prisons and police stations. HRW claimed that the reform program does not address accountability for abuses and that initiatives by the NCHR and other groups were "far from sufficient considering the lack of both political will and effective mechanisms to bring perpetrators to justice."

On March 1, members of the Criminal Investigation Unit with the Public Security Directorate in Irbid reportedly arrested Sayed Mahmoud Hamed Talafha on allegations of attempted robbery and beat him severely in custody. Officers reportedly struck him on the right leg where he had metal pins from a previous operation, hung him by the wrists to the back of a door, and pierced one wrist with a drill. The PSD spokesperson claimed that Talafha inflicted the wounds himself. According to his lawyer, on March 2, he had emergency surgery to repair his hand. The general prosecutor dropped the charges against Talafha on November 13, but he remained in administrative detention on the Mafraq governor's order. Talafha was released from administrative detention on December 2.

In 2008 the director of the Sahab Police Station, a police officer of the Criminal Investigations Department, and the director of public security allegedly tortured and mistreated an individual known only as Raad. On March 22, Raad reportedly filed a civil case in the amount of 7,000 dinars (\$10,000) for psychological, physical, and moral damages resulting from torture, beatings, and other forms of cruel, inhuman, and degrading treatment at Sahab prison facility. Additionally he claimed the defendants forced him to remove his clothes, leaving him naked, and used an electric baton on him. Also in 2008 an individual known only as Wasfi, together with the directors of North Marka Security Center and the director of public security, allegedly beat and insulted an individual known only as Dawood. On March 10, Dawood filed a civil case for psychological, physical and moral damages resulting from torture and cruel and degrading treatment. Both cases were pending at year's end.

Prison and Detention Center Conditions.—Significant problems remained in prisons, including poor legal services, understaffing, inadequate food and health care, poor sanitation standards, poor ventilation, extreme temperatures, inadequate access to potable water, ineffective prerelease and postrelease programs, and insufficient basic and emergency medical care. Some detainees reported abuse and mistreatment by guards during the year. Hunger strikes remained common, but prison riots and allegations of mistreatment reportedly decreased. Prisoners filed complaints of poor prison conditions with the PSD and the NCHR. The construction of four prisons during the year alleviated overcrowding to some extent.

On July 19, a Web site published a report detailing stories of government authorities physically and verbally abusing children in government-run juvenile detention centers. In response to the allegations, the Ministry of Social Development (MOSD) investigated these claims and concluded that there was no evidence to support the children's claims; however, some local children's rights activists noted that abuse occurred in some government-run juvenile detention centers. In 2009 former and current residents and parents of children in several ministry-operated juvenile rehabilitation centers and orphanages reported verbal and physical abuse of children by supervisors. For example, parents of children in an Irbid juvenile center and former residents of an orphanage in Madaba reported physical abuse of children. At year's end, the Government investigation remained pending.

In November 2009 the Council of Ministers passed amendments placing stiffer disciplinary measures, including salary deductions and termination, on civil serv-

ants who used corporal punishment on children, including those in schools and juvenile centers. However, authorities rarely used this punishment in practice.

The PSD reported that some prisoners went on hunger strikes during the year to protest mistreatment, poor prison conditions, and a prisoner classification system under which some prisoners had been moved to different wards or prisons based on the type of crime, number of offenses, and other factors. The NCHR reported 205 prison strikes from January 1 to August 1.

In February 2009 the Institute of Forensic Medicine, a part of the Ministry of Health, issued a report stating that prison clinic conditions were unsuitable and deteriorating and that inmates did not have access to basic health services. The report also criticized the lack of psychiatric treatment and follow-up care.

According to government statistics, there were approximately 18,449 inmates in 14 correctional and rehabilitation center (CRC) facilities. The Government generally held men, women, and juveniles in separate prisons and detention facilities; however, pretrial detainees were often held in the same detention facilities as convicted prisoners. The General Intelligence Directorate (GID) held some persons detained on national security charges in separate detention facilities. According to the NCHR, GID detainees are generally held in solitary confinement and are not allowed to meet unsupervised with visitors, including their lawyers. Islamist prisoners in Jweidah were held in a separate wing and kept in small-group isolation. International and domestic NGOs also reported that in some instances Islamist prisoners faced harsher prison conditions than other inmates.

Prisoners and detainees had restricted access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities did not investigate credible allegations of inhumane conditions. The Government investigated and monitored prison and detention center conditions.

The Government permitted local and international human rights observers to visit prisons and conduct private interviews. During the year the International Committee of the Red Cross (ICRC) visited prisoners and detainees in all prisons, including those controlled by the GID and the military intelligence directorate, according to standard ICRC modalities. The Ombudsman's Bureau, a national institution that receives complaints about federal agencies, is unable to serve on behalf of prisoners to consider matters such as alternatives to incarceration, although it is permitted to look into cases of inhumane treatment. The NCHR conducted routine and unannounced prison inspections during the year, including visits to GID facilities.

The Government continued its large-scale, long-term prison reform to transfer CRC management from the PSD to the Ministry of Justice. At year's end the Government had finished constructing four new CRCs with cells that meet international standards, raising the number of prisons from 14 to 18.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. According to local and international human rights groups, the Government did not always observe these prohibitions in practice. In particular, the governors of the country's 12 governorates continued to use the Crime Prevention Law to administratively detain individuals without due process.

Role of the Police and Security Apparatus.—The PSD controls general police functions. The PSD, GID, gendarmerie, Civil Defense Directorate, and military share responsibility for maintaining internal security. Members of the gendarmerie assist police in emergencies, provide diplomatic security, and respond to riots, protests, and demonstrations. The Civil Defense Directorate is responsible for public safety during natural disasters and civil disturbances. The PSD and gendarmerie report to the minister of interior with direct access to the king when necessary, and the GID in practice reports directly to the king.

Civilian authorities maintained control over security forces. According to local and international NGOs, the Government did not thoroughly investigate and punish all credible reports of corruption or abuse by security forces. The Government used mechanisms to investigate abuse and corruption, but there were wide-scale allegations of impunity. Citizens may file complaints of police abuse or corruption with the PSD's human rights office or with one of 50 police prosecutors stationed throughout the country. Complaints of abuse and corruption by the gendarmerie may be filed directly with the gendarmerie. A GID liaison officer receives complaints against the GID and refers them to GID personnel for investigation. Complaints against the PSD, gendarmerie, and GID may also be filed with the NCHR or several other NGOs, such as the Arab Organization for Human Rights (AOHR). The PSD's preventive security office is tasked with investigating allegations of police corrup-

tion. The PSD and gendarmerie try their personnel internally with their own courts, judges, and prosecutors, in a manner not transparent to the public.

Allegations of torture and mistreatment continued, according to numerous credible observers. During the year citizens filed 46 complaints, including allegations of mistreatment against PSD personnel. NGOs noted that victims may be reluctant to file formal complaints due to impunity within the police and security apparatus.

Arrest Procedures and Treatment While in Detention.—The law allows suspects to be detained for up to 24 hours without a warrant in all cases. The criminal code requires that police notify authorities within 24 hours of an arrest and that authorities file formal charges within 15 days of an arrest. Human rights observers claimed that police continued to make arrests before obtaining warrants and prosecutors did not file charges or seek extensions in a timely manner. The period to file formal charges can be extended for as long as six months for a felony and two months for a misdemeanor. Local NGOs stated that prosecutors routinely requested extensions and judges granted them. This practice generally lengthened pretrial detention for protracted periods. As of year's end, approximately 800 persons were reportedly being held in prison without formal charge. Bail is allowed under the penal code and used in some cases. Some detainees reported not being allowed timely access to a lawyer, but authorities generally permitted family member visits. Authorities appointed lawyers to represent indigent defendants charged with felonies, although legal aid services remained minimal. There were allegations of long periods of incommunicado detention in GID facilities, and the UN Committee against Torture's May 14 report expressed serious concern about the Government's failure in practice to afford all detainees, including detainees held in GID and PSD facilities, with "all fundamental legal safeguards from the very outset of their detention," including the right to notify a relative and to be informed of their rights and charges against them at the time of detention.

The State Security Court gives judicial police, charged with conducting criminal investigations, authority to arrest and keep persons in custody for 10 days. This authority includes arrests for alleged 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 or permitted meetings only shortly before trial. Defendants before the State Security Court usually met with their attorneys at the start of a trial or only one or two days before. A case may be postponed for more than 48 hours only under exceptional circumstances determined by the court. In practice, cases routinely involved postponements of more than 10 days between sessions with proceedings lasting for several months. In most cases the accused remained in detention without bail during the proceedings. Several inmates were in detention without charge at year's end.

Under the Crime Prevention Law, provincial governors may detain individuals suspected of planning to commit a crime or those who allegedly shelter thieves, habitually steal, or constitute a danger to the public, and in practice they used this provision widely. Those accused are subject to imprisonment or house arrest as "administrative detention" without formal charges. A detention order may be for as long as one year, but governors can impose new orders to prolong detentions. During the year governors administratively detained 12,345 individuals. Several international and national NGOs noted that governors routinely abused the law, imprisoning individuals when there was not enough evidence to convict them and prolonging detentions of prisoners whose sentences had expired. The law was also widely used to incarcerate women at risk of being honor crime victims. The NCHR and other human rights organizations called for the abolishment of the Crime Prevention Law.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judiciary's independence in practice was compromised by allegations of nepotism and the influence of special interests. Unlike the previous year, there were no reports of interference by senior judges in junior judges' cases. The Judicial Council, a committee led by the president of the Court of Cassation, is composed of other high-ranking judges from various courts and the Ministry of Justice. The council approves judicial appointments after initial nominations by the ministry, and it assigns and evaluates judges. The executive branch, through the ministry, controls most judicial functions, giving the Government the ability to influence judicial decisions. The Judicial Council continued to lack the internal capacity to effectively manage judicial administrative and financial matters and therefore lacked independence. Unlike the previous year, there were no allegations that the former

council's head reassigned judges or forced them to retire early for personal instead of policy reasons.

Trial Procedures.—The law presumes that defendants are innocent. All civilian court trials, including state security court trials, are open to the public unless the court determines otherwise. Juries are not used. Defendants are entitled to legal counsel, provided at public expense for the indigent in cases involving the death penalty or potential life imprisonment. In many cases defendants have no legal representation. In July 2009 the Government passed an amendment that made court rulings legally binding without the presence of the defendant if an attorney for the defendant is present. Defendants could present witnesses on their behalf and question witnesses presented against them. Defense attorneys were generally granted access to government-held evidence relevant to their clients' cases. Defendants can appeal verdicts; appeals are automatic for cases involving the death penalty. In the State Security Court, defendants convicted of felonies have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. All citizens were accorded these rights. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in Sharia courts, which have jurisdiction over Muslim marriage, divorce, and inheritance cases, the testimony of two women was equal to that of a man in most circumstances.

Political Prisoners and Detainees.—Citizens and NGOs alleged that the Government continued to detain individuals, including political opposition members, for political reasons during the year, and that governors continued to use administrative detentions for what appeared to be political reasons. In a few cases, the media and human rights organizations reported that authorities kept detainees in solitary confinement and denied them access to lawyers.

A 2008 HRW report stated that political prisoners, including Islamists convicted of crimes against national security, reportedly received greater abuse than other prisoners.

Civil Judicial Procedures and Remedies.—There is an independent judiciary in civil matters. 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 civil matters, including lawsuits in which the Government is a plaintiff or a defendant.

During the year at least two individuals who alleged being tortured in 2008 filed civil cases for damages (see section 1.c.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference in private matters, but the Government did not respect this prohibition in practice. Citizens widely believed that security officers monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance without court orders.

The law requires that security forces obtain a warrant from the prosecutor general or a judge before conducting searches; however, during the year foreign migrant workers with valid work and residency permits reported that police forcibly entered their homes without warrants as part of a joint police and labor inspection campaign to verify the legal status of workers.

A few religious activists reported that the GID withheld their certificates of good behavior required for job applications or to open a business, or threatened not to allow their children to enter or graduate from university. The GID usually withholds a certificate of good behavior if there is a criminal record; however, there is no public information outlining the GID's policies for issuing the certificates.

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 did not respect these rights in practice. A 2009 Freedom House report on media freedom called the country "not free." On May 8, the Amman-based National Center for Defending the Freedom of Journalists (CDFJ) issued its 2009 annual report, which concluded that media freedoms deteriorated in 2009. Journalists reported that the threat of detention and imprisonment under the penal code for a variety of offenses, and stringent fines of as much as 20,000 dinars (\$28,000) under the press and publications law for defamation led to self-censorship. There were several incidents during the year in which the Government prohibited journalists from reporting on high-profile court cases. The Government's use of "soft containment" of journalists, such as financial support, scholarships for relatives, and special invitations, led to significant control of media content. In March the Government amended the Press and Publication Law to remove

administrative detention as a punishment for journalists and created a court to deal specifically with matters of freedom of expression and speech. The amended law prohibits journalists from being referred to State Security Courts for freedom of expression or speech issues, and none were referred there during the year.

The law provides punishment up to three years' imprisonment for insulting the king, slandering the Government or foreign leaders, offending religious beliefs, or stirring sectarian strife and sedition. In practice citizens were generally able to criticize the Government, although they reportedly exercised caution in regard to the king, the royal family, the GID, and other sensitive topics such as religion.

On February 13, in response to a lawsuit brought by private citizens, state security forces detained journalist Muwaffaq Mahadin and environmentalist Sufian al-Tal for two weeks for having given separate public interviews criticizing the army's security role in Afghanistan. State security charged them with "harming relations with a foreign country," "stirring sectarianism," "harming the stature of the state and the army," instigation, and slander. The case was sent to the State Security Court, which did not have jurisdiction, then to the prosecutor general. At year's end, the court case was pending.

In late February the GID arrested university student Imad al-Ash for allegedly sending an instant message that "insulted the monarchy" and participating in on-line forums expressing "controversial religious opinions." Ash denied the charges. On July 13, the security court sentenced him to two years in prison. Ash appealed the ruling, and the court upheld his two-year prison sentence on October 2.

On July 25, PSD officers arrested university student Hatim al-Shuili on charges of "causing national strife" and "insulting the monarchy" over a poem he denied writing that reportedly criticized the king. Shuili was detained until September 8, when the king pardoned him along with 17 others accused of insulting the monarchy.

As of year's end, the PSD had not yet released any findings in its alleged investigation of the October 2009 beating of opposition figure Layth Shheilat in an Amman bakery. Shheilat and many local observers connected the assault to a lecture he presented at the Socialist Thought Forum two days earlier in which he called for increased efforts to fight government corruption and the need to question and hold officials accountable.

Independent print media existed, including several major daily newspapers; however, such publications must obtain licenses from the state to operate. The independent print and broadcast media largely operated without restriction, but media observers reported governmental pressure to avoid sensitive topics such as the royal family, the GID, and religion. Media organizations and journalists reported that the Government influenced the appointment of editors in chief at some major publications, whether by virtue of officials' positions on the boards of directors of government-affiliated publications or through undisclosed contacts. The Government has a majority share on the board of directors for one major daily newspaper and a minority share in another. The Governmental Audiovisual Commission, whose mandate is to license private broadcast agencies, has authority to recommend rejection of a broadcast license without a stated reason. Media observers note that when covering controversial subjects, government-owned Jordan Television, Jordan News Agency, and Radio Jordan reported only the Government's position.

Apart from the arrest of Muwaffaq Mahadin, there were no reports of physical violence or harassment of journalists during the year. As of year's end, the Government had not released any findings of its alleged investigation into the January 2009 gendarmerie attack on an Al Jazeera television crew. There were no updates in the June 2009 case of poet and reporter Islam Samhan, sentenced to one year in prison and a fine of 10,000 dinars (\$14,200) on charges of slandering Islam and insulting "religious sentiment" for his use of Qur'an verses and prophets in his poetry, or the 2008 arrest of El-Ekhbariya editor in chief Fayez Al-Ajrashi on charges of "inflaming sectarian strife" and "sowing national discord." Both men remained free on bail at year's end.

The Government directly and indirectly censored the media. Authorities monitored and censored printing presses and edited articles deemed offensive before they could be printed. Journalists claimed the Government used informants in newsrooms and that GID officials monitored reporting. Editors reportedly received telephone calls from security officials instructing them how to cover events or to refrain from covering certain topics or events. Government officials also reportedly bribed journalists to influence their reporting. According to a 2009 Center for Defending the Freedom of Journalists survey, 95 percent of journalists polled exercised self-censorship. The survey also reported that 70 percent of journalists thought the Government used "soft containment" to control the media at a medium to high de-

gree. Ninety-four percent said they avoid writing about or broadcasting military matters, and 83 percent said they avoid discussing religious topics.

On March 10, a State Security Court attorney general prohibited the press from reporting or commenting on the case of the Jordan Petroleum Refinery Company expansion project without his personal approval, purportedly to allow the judicial authorities to work “calmly” on the case.

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.—There were government restrictions on access to the Internet. Citizens and activists widely believed that the Government monitored electronic correspondence and Internet chat sites; therefore, they practiced self-censorship over such media. Individuals and groups were unable to express their views via the Internet, including by e-mail. According to the 2010 International Research and Exchange Board Jordan Media Strengthening Program, Internet usage was 30 percent. Internet speech is regulated by the Press and Publication Law.

On August 3, the Government issued the Information Systems Crime Law, a “temporary” law (see section 3) that would require law enforcement officials to have probable cause and a warrant before entering and searching any place suspected of being used to commit a cybercrime or to seize property and make arrests based on suspicion of illegal cybercrime activity.

On August 5, authorities blocked 50 domestic news Web sites in government institutions and offices purportedly to “end confusion about topics related to the Government.”

During the year the Ministry of Interior continued to monitor Internet cafes for “security reasons” via video cameras. The ministry also required cafe owners to register users’ personal data, submit records of visited Web sites, and prevent access to questionable Web sites, as defined by the ministry.

Academic Freedom and Cultural Events.—The Government placed some limits on academic freedom. Some members of the academic community claimed there was an ongoing intelligence presence in academic institutions, including monitoring of academic conferences and lectures.

On April 29, the administration of Hashemite University introduced an amendment requiring that candidates running for student elections must have participated in religious and national occasions and cultural, scientific, social, artistic, and voluntary activities at the university. Local organizations and the media criticized the amendment, calling it a government attempt to control student elections by ensuring that the candidate is familiar to the administration.

In September 2009 the National Campaign for Defending Students’ Rights criticized the interference of security services in student activities, especially in university student council elections. Security personnel reportedly told students to vote for specific candidates. The group also noted that universities had punished or expelled students for distributing literature expressing solidarity with Palestinians.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution provides for freedom of assembly, but the Government restricted this right. The Public Gatherings Law stipulates that organizations do not need approval to hold routine internal meetings and activities but that routine public meetings—including workshops and training sessions—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 as much as 3,000 dinars (\$4,300). If a governor does not issue a response within 48 hours, applicants are entitled to hold the event without legal liability.

Throughout the year 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 and civil society gatherings. In some cases the Government granted approval at the last moment, making it difficult for organizers to plan events.

On May 10, Muhammad al-Sunaid and Ahmad al-Luwansa, leaders of the Committee of Day Laborers, gathered with 30 other day laborers to hold a peaceful protest outside an office where the minister of agriculture was scheduled to speak. After the protest they attended the minister’s speech, where they questioned the firing of day laborers working at the ministry and called for the minister’s removal. The governor ordered the PSD to arrest Sunaid and al-Luwansa and charged them with holding an unlawful gathering. Luwansa was detained at the Security Direc-

torate in Madaba for one day and was released without charges. Sunaid was detained for 10 days and was charged with “unlawful gathering,” which carries a sentence of up to one year. On July 27, the Security Court sentenced Sunaid to three months in prison, and he was appealing the sentence at year’s end.

In late October the Islamic Action Front requested permission to hold a protest. On November 3, the Government denied their request; however, on November 6, the group staged a sit-in to protest the rejection of their permit request. There was no response from the Government.

On November 6, the governor of Amman rejected a sit-in request by the Popular Unity Party’s “boycotters for change” campaign.

Government investigation committees cleared the gendarmerie of excessive use of force in the January 2009 case when the gendarmerie allegedly used batons, tear gas, and water cannons to disperse demonstrators throwing rocks and protesting outside the Israeli embassy. The gendarmerie were also cleared in the July 2009 incident in which they were accused of using batons to disperse a sit-in at the Ministry of Agriculture protesting importation of Israeli fruit and vegetables.

Freedom of Association.—The constitution provides for the right of association, but the Government limited this freedom in practice. The law gives the MOSD the right to reject applications to register an organization or to receive foreign funding for any reason, and it prohibits the use of associations for the benefit of any political organization. The law also gives the ministry significant control over the internal management of associations, including the ability to dissolve associations, appoint new boards of directors, send government representatives to any board meeting, prevent associations from merging their operations, and appoint an auditor to examine an association’s finances for any reason. The law requires associations to inform the ministry of board meetings, submit all board decisions for approval, disclose members’ names, and obtain the Ministry of Interior’s security clearances for board members. The law includes severe penalties, including fines up to 10,000 dinars (\$14,200).

The MOSD advisory board overseeing NGOs is chaired by the minister of social development and includes representatives from seven other government bodies and four civil society representatives. As of year’s end, the prime minister had not appointed the civil society representatives. Local and international NGOs claimed that the law severely restricted the work of independent organizations. During the year the Government did not deny any organizations permission to register or to receive foreign funding; however, a local NGO reported that prolonged bureaucratic procedures to secure government approval of foreign funding led to the organization losing the proposed funding.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, there were some restrictions. The UN reported that the Government 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 providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Some mothers claimed that they were prevented from departing the country with their children because authorities enforced requests from fathers to prevent their children from leaving. However, authorities did not stop fathers from exiting the country with their children when the mother objected. There were reports some women were required to obtain the permission of either their husband or father in order to acquire or renew a passport, despite the 2003 Passport Law, which stipulates that women do not need a custodian to renew passports. The GID sometimes withheld passports from citizens for alleged security reasons. Employers or authorities sometimes held the passports of foreign workers.

Some persons of Palestinian origin living in the country were citizens and received passports; however, the Government reported that there were approximately 165,000 Palestinian refugees, mostly of Gazan origin, who did not qualify for citizenship. Approximately half of these persons received two-year travel documents that do not connote citizenship and do not contain a national number. West Bank residents without other travel documentation were eligible to receive five-year travel documents that do not connote citizenship. Local and international human rights organizations continued to charge that the Government did not consistently apply citizenship laws, especially in cases in which passports were taken from citizens of Pal-

estinian origin or in which national identification numbers were revoked, thereby revoking citizenship.

A HRW report issued in February claimed that more than 2,700 Jordanians of Palestinian origin had their citizenship revoked between 2004 and 2007. The Government maintained this policy was in line with its efforts to implement its disengagement from its former claims to the West Bank. For example, government officials stated that a national number may be revoked if an individual obtains Palestinian travel documents, works for any part of the Palestinian Authority, or does not renew a family reunification permit. Activists complained that the disengagement regulations did not outline such procedures, that the process was not transparent, and that the Ministry of Interior's appeal process was virtually nonexistent. Claimants reported that appeals were not resolved to their satisfaction. Human rights activists also claimed the Government refused to renew the passports of former residents of Palestinian origin at overseas embassies.

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 Convention relating to the Status of Refugees or its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the Government has not established a formal system of providing protection to refugees 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 the UNHCR must find a durable solution. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, according to observers, the Government did not accept refugees for resettlement from third countries or facilitate local integration, particularly of refugees in protracted situations.

The UNRWA and the Government continued to provide services, such as health care, education, the right to work, and social services, to Palestinian refugees during the year. At year's end, approximately two million Palestinian refugees were registered with the UNRWA in the country.

The Government granted nationality to approximately 700,000 persons displaced from former territories during the 1967 war with Israel. An additional 120,000 persons displaced during the 1967 war held temporary residency permits, and an additional 200,000 Palestinian refugees were also estimated to be living in the country without any direct assistance.

The Government generally recognized the UNHCR's requests to grant temporary protection for all Iraqi asylum seekers, including new arrivals, rejected asylum or resettlement cases, and recognized refugees whose cases had been suspended by resettlement countries. The Government estimated there were 450,000 to 500,000 Iraqi refugees in the country; NGO estimates varied from 100,000 to 200,000. As of year's end, a total of 30,800 Iraqi refugees in the country were registered with the UNHCR. Most registered refugees received legal and material assistance from the UNHCR and other international and nongovernmental humanitarian organizations. The Government provided education and health care to Iraqis and tolerated the prolonged stay of many Iraqis beyond the expiration of the visit permits under which they entered the country. During the year the Government waived any overstay fines and exit fees for those returning to Iraq. Few Iraqi refugees received work permits due to bureaucratic hurdles and significant overstay fines they would have to pay when applying for such permits.

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 monarch or government. The king appoints and dismisses the prime minister, cabinet, and the House of Notables, dissolves parliament, and directs major public policy initiatives. Citizens may participate in the political system through their elected representatives in the Chamber of Deputies. The cabinet, based on the 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.

The king proposes and dismisses extraordinary sessions of parliament and may postpone regular sessions for as long as 60 days. In November 2009 the king dissolved parliament and called for parliamentary elections in the final quarter of

2010. Although the constitution states that elections must be held within four months of parliament's dismissal or the previous parliament is reinstated, the king exercised his constitutional authority to extend this period. 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 "temporary" laws do not expire. Although they are technically subject to action by parliament when it returns to session, in practice they typically remain in force in the absence of legislative action.

Elections and Political Participation.—On November 9, the country held parliamentary elections, which international observers stated in their preliminary reports were "credible" and "a clear improvement over the nation's 2007 polls," while recommending future reforms such as establishing an independent electoral management body, preprinting ballots to mitigate concerns over voting procedures for the illiterate, strengthening representation for all citizens, and introducing regulations to allow for systematic appeals of the election results.

The country was without an elected parliament for the majority of the year, during which time the cabinet issued a number of temporary laws. On May 19, the cabinet issued a "temporary" elections law that increased the women's quota in the parliament to 12, added four parliamentary seats to underrepresented urban districts, and divided the existing electoral districts into nongeographic subdistricts based on the number of seats within each district. The new subdistricting system served to change the rules for candidate registration by requiring candidates to run for a specific subdistrict, while still allowing voters to cast their single ballots for any candidate within the electoral district as a whole. Civil society groups and media commentators criticized the law for not going far enough in its reforms to address concerns about fairness and transparency, especially for persons of Palestinian origin. Many analysts commented that government did not adequately explain to citizens the new law's system of nongeographic subdistricts.

The Government licensed political parties and other associations but prohibited membership in unlicensed political parties. The High Court of Justice may dissolve a party if it concludes that the party violated the constitution or the law. The law stipulates that a political party must have a minimum of 500 founding members from five governorates. Opposition parties complained that the law was unconstitutional and obstructed political dynamism. Political parties, NGOs, and independent candidates found the registration process onerous and costly and criticized the GID's annual screening process of founding party members. Political parties also complained that the mandated public funding of 50,000 dinars (\$71,100) was insufficient to operate effective campaigns. Political analysts and opposition parties called on the Government to take active measures to promote party development, including amendments to the electoral system that would place greater emphasis on parties.

Women have the right to vote. On November 9, 13 women were elected to parliament, exceeding the quota by one. There was one female governor, and three women served in the appointed 30-member cabinet. The law provides a 20 percent quota for women in municipal council seats and a 10 percent quota for women in the lower house of parliament.

Citizens of Palestinian origin were underrepresented at all levels of government and the military. Many observers believed the electoral system was intended to reduce the representation of areas heavily populated by citizens of Palestinian origin in favor of tribal interests. The law allows voters to choose one candidate in multiple-seat districts, which in the largely tribal society meant citizens tended to cast their vote for members of their own tribe. The law reserves nine seats in the lower house of parliament for Christians and three seats for the Circassian and Chechen ethnic minorities together, constituting an overrepresentation for these 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 Muslims must hold all seats not reserved for specified minority religions. Christians served as cabinet ministers and ambassadors. The Government traditionally reserves some positions in the upper levels of the military for Christians (4 percent); however, Muslims held all senior command positions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, it remained a problem. Domestic and international NGOs noted the Government did not implement the law effectively and officials often engaged in corrupt practices with impunity. During the year the Government investigated allegations of corruption; however, there were few convictions. Many observers noted that investigations into official corruption typically focused on small-scale corruption. The use of family, business, and other personal connections to advance personal business interests was

widespread. There were allegations of lack of transparency in government procurement, government appointments, and dispute settlement.

During the year the Anticorruption Commission investigated 890 cases of corruption. The cases dealt with fraud, misuse of public office, forgery, bribery, and embezzlement, as well as cases related to food and drug laws. Despite increased investigations, some local observers questioned the commission's effectiveness due to the limited amount of investigations involving senior officials or large government projects despite allegations against them.

On July 7, the State Security Court sentenced three former officials—a former finance minister, a former Jordan Petroleum Refinery Company (JPRC) chairperson, and a former economic advisor to the prime minister—and a businessman to three years in prison after convicting them of bribery in connection with the JPRC expansion project. The defendants were acquitted on the charges of abuse of public office. The defendants appealed the conviction and were free on bail at year's end.

In a 2009 high-profile case, the Government formed an ad hoc committee to investigate the embezzlement of 1.2 million dinars (\$1.7 million) from the Ministry of Agriculture. On August 31, the court found two men guilty of embezzlement and sentenced them to 22 years in prison.

During the year citizens filed more than 2,776 complaints against public agencies with the Governmental Ombudsman Bureau. The bureau rejected 1,537 of the complaints because they did not fall under its mandate, but it amicably resolved 80 percent of the accepted cases and issued recommendations in 19 percent of the accepted cases. The bureau is charged with investigating complaints regarding any decision or action by public offices or their employees.

The law requires certain government officials to declare their assets privately; in the event of a complaint, the chief justice may review the disclosures. Under the law failure to disclose assets could result in prison sentences from one week to three years or fines from five to 200 dinars (\$7 to \$280). As of year's end, no officials had been punished for failing to submit a disclosure.

The law provides for public access to government information that is 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 it permits the Government to deny requests without justification. A 2008 study by the Al Urdun Al Jadid Research Center showed that 58 percent of journalists were unaware of the law and nearly 85 percent did not know they had the right to request information. Fifty percent of journalists who had attempted to obtain government information characterized the Government's response as inadequate, and 13.8 percent said their requests triggered verbal abuse. In a 2008 Higher Media Council survey, nearly half of the journalists surveyed reported difficulty accessing information or said their requests had been denied outright.

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

Domestic and international human rights groups operated in the country with some restrictions. The law gives the Government the ability to control NGOs' internal affairs, including acceptance of foreign funding. NGOs were generally able to investigate and report publicly on human rights abuses throughout the year, although government officials were not always cooperative. Senior government officials accused local human rights organizations of having "Western" or foreign agendas and focusing only on the negative aspects of an issue. Major local human rights organizations included the NCHR and several independent organizations, such as the MIZAN Law Group for Human Rights, the Amman Center for Human Rights Studies, the AOHR, the CDFJ, and the Adaleh Center for Human Rights Studies. Government entities met with members of these organizations and participated in many projects the organizations undertook.

The Government generally cooperated with international NGOs, the UN, and other international governmental organizations. On May 14, as part of its periodic review process, the UN Committee against Torture expressed "deep concern" at continuing allegations of torture and mistreatment of detainees in the country (see section 1.c.).

The Government-funded NCHR's reporting was largely regarded as objective and critical, although some local human rights groups and activists complained that the NCHR did not speak out sufficiently during the year on some controversial issues, such as freedom of expression, students' rights, citizenship, and religious freedom. The prime minister appoints the NCHR board chair and commissioner general. In April the NCHR issued its sixth annual report on the state of human rights in the country, which highlighted a range of continuing human rights problems in 2009, including excessive use of administrative detention, new restrictions on the right to

establish civil society and professional associations, limitations on protests and demonstrations, restrictions on the right to access information, and physical attacks by students against their professors and vice versa.

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

The constitution states that all citizens are equal under the law and prohibits discrimination based on race, language, and religion; however, discrimination on the basis of gender, disability, and social status is not specifically prohibited. The penal code does not address discrimination, thereby severely limiting judicial remedies.

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, but women's rights activists speculated that many incidents in cities went unreported.

The law stipulates a sentence of at least 10 years' imprisonment with hard labor for rape of a girl or woman age 15 years or older. Spousal rape is not illegal. During the year the PSD Family Protection Department (FPD) treated and investigated 395 cases of sexual assault, 131 cases of rape against women, and 223 rape cases against children. There was no information available regarding prosecutions or convictions for rape during the year.

In a survey of women in rural southern areas that the Higher Population Council and the Ministry of Health released in January 2009, 30 percent of women 15 to 49 years old reported psychological abuse and 20 percent reported physical abuse. Spousal abuse is technically grounds for divorce, but husbands can claim religious authority to strike their wives. A woman may file a complaint against her spouse for physical abuse with the FPD, certain NGOs, or directly with judicial authorities. During the year the FPD forwarded 2,021 complaints of domestic violence for prosecution. Violators of protection orders may face as long as six months in prison. Observers noted that judges generally supported a woman's claim of domestic abuse in court; however, due to societal and familial pressure, few women sought legal remedies. A 2007 survey by an international organization showed that only 22 percent of domestic violence victims sought any form of assistance. In 2008 the Jordan Center for Social Research conducted a survey indicating that women often did not admit they were subjected to violence and did not seek help because they were afraid of breaking up or damaging the reputation of their families. The results also showed some degree of acceptance of abuse, particularly among less-educated women. Of the respondents who reported a case of violence, 83 percent identified their husband, father, or brother as the perpetrator. There were few services available to victims of domestic violence, and most women were not aware of them.

The Government-run shelter Dar al-Wafaq assisted approximately 730 women and 160 children who were victims of domestic violence. It provided reconciliation services to victims and their families and worked with NGOs to provide services, such as legal and medical assistance. However, observers noted a lack of a comprehensive approach for victims and the absence of psychosocial counseling. The FPD continued to operate a domestic violence hotline during the year and received inquiries and complaints via the Internet and e-mail. The Jordanian Women's Union, a domestic NGO, maintained a hotline for victims of domestic violence and provided shelter to abuse victims. The Jordan River Foundation operated a child and family center in East Amman that provided shelter and assistance to domestic violence victims. During the year the quasi-governmental Jordanian National Commission for Women received 583 gender-related complaints ranging from domestic violence to discrimination.

Authorities prosecuted 16 officially reported instances of homicides related to "honor" crimes that occurred over the past three years. Activists reported that many such crimes went unreported. An Information and Research Center study released in October 2009 on the causes of "honor" crimes in the country showed a high correlation between poverty and education with "honor" crimes. The study found that 73 percent of victims since 2000 were classified as poor, a group that constituted only 30 percent of the country's population. The brother of the victim was the perpetrator in 76 percent of the cases and the father in 13 percent.

In July 2009 the Government established a specialized section within the criminal courts to hear all cases of "honor" crimes. During the year the court sentenced 15 perpetrators to 10 years in prison and one perpetrator to five years in prison. In most cases during the year, the family dropped the criminal charges, and the court issued a sentence of 10 years' imprisonment. Judges have the discretionary right, but not an obligation, to reduce sentences by as much as half if the victim's family does not press charges, even if the perpetrator and victim are from the same family.

Prior to the creation of the specialized unit within the criminal court, some lower courts handed down 15-year sentences for second-degree murder, but in every case

the court immediately cut the sentence in half. In previous years the courts usually found perpetrators of honor killings guilty of a "crime of passion," which merited a maximum sentence of three years. Although defendants were almost always found guilty, they often received token sentences of no more than six months. The maximum sentence for first-degree murder is death.

On June 1 in East Amman, a man stabbed his sister 30 times on a busy street with the assistance of his 19-year-old cousin. The brother suspected that his sister was pregnant. The victim was rushed to the hospital where she was declared dead on arrival. The prosecutor general charged the brother and cousin with premeditated murder, and at year's end the case was pending.

On July 23 in Deir Alla, a man shot and killed his 16-year-old niece with a machine gun at her wedding, confessing he did it to "cleanse his family's honor" over suspicions the girl had lost her virginity a month earlier. The father and husband pressed criminal charges against the perpetrator; the case was pending at year's end.

At year's end the March 2009 case of a man in Zarqa who beat to death his 19-year-old daughter with the assistance of two of her brothers remained pending at the criminal court.

On April 23, the criminal court convicted and sentenced a man to 15 years in prison for publicly stabbing his 24-year-old daughter 16 times on a main street in October 2009. The court reduced his sentence to 10 years because the family dropped the charges.

Through the administrative detention authority granted to governors under the Crime Prevention Act, authorities continued to place potential victims of honor crimes in involuntary protective custody in the Women's Correctional and Rehabilitation Center in Jweideh, a detention facility where some women had remained for more than four years. A woman detained in protective custody can be released only after her family signs a statement guaranteeing her safety and both the local governor and the woman agree to the release. During the year the Government released a number of women who had been detained for more than 10 years. Unlike in previous years, there were no cases of women being killed after release from protective custody. A human rights organization estimated that approximately 12 women were in protective custody. One NGO continued to work for the release of these women through mediation with their families. The NGO also provided a temporary but unofficial shelter for such women as an alternative to protective custody.

According to the law, sexual harassment in the workplace 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 stated that harassment was common, but many victims were hesitant to file a complaint and rarely did so because they often were blamed for inciting it, they feared losing their job, or they faced pressure to keep silent.

Couples have the basic right to decide freely and responsibly the number, spacing, and timing of their children. Contraceptives were generally accessible to all men and women, both married and single, and provided free of charge in public clinics. Almost 99 percent of births in the country take place in hospitals with trained professionals. Comprehensive essential obstetric, prenatal, and postnatal care is provided throughout the country in the public and private sectors. According to data compiled by international organizations, in 2008 there were approximately 59 maternal deaths per 100,000 live births. There was no discrimination against women in the diagnosis and treatment of HIV/AIDS and other sexually transmitted infections.

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 Sharia court testimony.

Under Sharia law 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; however, a Muslim spouse can designate some of his property to his non-Muslim spouse through a will. 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 in return for waiving financial rights or alimony. The law allows retention of financial rights under specific circumstances, such as spousal abuse. Special courts for each denomination adjudicate marriage and divorce for Christians.

The Government provided men with more generous social security benefits than it gave women. The Government continued pension payments of deceased male civil servants to their heirs, but it discontinued payments to heirs of deceased female civil servants. Laws and regulations governing health insurance for civil servants

do not permit married women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Women's rights activists complained that the law granting women equal pay for equal work was not enforced. Many women said traditional social pressures discouraged them from pursuing professional careers, especially after marriage. The official unemployment rate for women was 20 percent, compared with 11.9 percent for the country as a whole. A Jordanian National Council for Family Affairs study released in April 2009 found that women were often denied basic labor rights, such as pay equality and the working hours and conditions outlined in the labor law. The study called for legislative changes and awareness campaigns to inform women of their rights.

The law states that a woman has the right to obtain or renew a passport without the written permission of her husband; however, some women reported that authorities required a male custodian's permission.

Married women do not have the legal right to transmit citizenship to their children. In practical terms this affects thousands of families whose father is of Palestinian origin. Female citizens married to noncitizen men may pass citizenship to their children only with the permission of the cabinet; however, the cabinet rarely took such action, the public was widely unaware of this mechanism, and permission was usually not granted in cases in which the father was of Palestinian origin. Women may not petition for citizenship for their noncitizen husbands, who must apply for citizenship after fulfilling a requirement of 15 years' continuous residency. Once a husband has obtained citizenship, he may apply to transmit citizenship to his children. However, in practice such an application may take years, and the Government may deny the application, resulting in the children becoming stateless.

During the year a female citizen married to a Palestinian man from Gaza was not allowed to enroll her son in preschool because her son was not considered Jordanian. Furthermore, her husband was unable to work legally because the family could not afford to renew his residency permit on a yearly basis.

In 2009 a female citizen whose Egyptian husband died after falling at a construction site had to reapply annually for a residency permit for her three Egyptian-citizen children to continue to enable them to live legally in the country and have access to education and health services. The cost of applying for residency every year was a significant burden, and the Government's approval was not guaranteed.

Children.—Citizenship is derived only through the father. Children of female citizens and noncitizen husbands receive the nationality of the father and lose the right to attend public school or to seek other government services if they do not hold legal residency, which must be applied for every year and is not guaranteed. The Government did not issue birth certificates to all children born inside the country during the year. The Government deemed some children—including children of unmarried women, certain interfaith marriages, and converts from Islam to another religion—illegitimate and denied them proper registration, making it difficult or impossible for them to attend school, access health services, or receive other documentation. In one such case in 2009, a single mother had to illegally bury her baby who died during childbirth because she was unable to obtain a birth or death certificate.

Education is compulsory from ages six through 16 years and free until age 18. However, no legislation exists to enforce the law or to punish guardians for violating it.

During the year authorities received and investigated 128 complaints of child abuse and 223 complaints of child rape. A February 2009 UN Children's Fund report stated that 71 percent of children were subjected to verbal abuse and 57 percent had experienced some form of physical abuse in school. Statistics on child abuse within households were not available. The law specifies punishment for abuses against children. For example, conviction for rape of a child younger than 15 years potentially carries the death penalty. However, local organizations working with abused children pointed to gaps in the legal system that regularly resulted in lenient sentencing, particularly for family members. For example, the penal code gives judges the ability to reduce a sentence when the victim's family does not press charges. In child abuse cases, judges routinely accorded leniency per the wishes of the family. The National Council for Family Affairs and other local organizations stated that legislation does not provide children sufficient protection from abuse, specifically citing the legal authorization for parents to discipline their children using force.

Some local children's rights activists noted that abuse occurs in some government-run juvenile detention centers (see section 1.c.). The defendants in a February 2009 shaken baby syndrome case and April 2009 torture and killing of a five-year-old boy remained in jail at year's end, pending the outcome of their court cases.

The Government continued to fund a child protection center that provided temporary shelter and medical care for abused children between the ages of six and 12. During the year the shelter housed 158 abused children. Observers noted that the shelter lacked qualified staff, psychosocial counselors, and a comprehensive approach to deal with victims of abuse.

The minimum age for marriage is 18. With the consent of both a judge and a guardian, a child as young as 15, in most cases a girl, may be married. Judicial statistics indicated that in 2008-09 judges granted consent in 14,000 cases in which at least one person was between 15 and 18 years old. According to the May 2010 Jordan Population and Family Health Survey conducted in 2009, 6 percent of persons between ages 15 and 19 were married, the majority of those having been married between the ages of 17 and 19. Instances of forced marriage as an alternative to a potential honor killing were reported in rural areas during the year. Observers note that, if a woman marries her rapist, according to customary belief, her family members would not need to kill her to "preserve the family's honor."

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Anti-Semitism was present in the media, 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.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 and NGO estimates. The Higher Council for the Affairs of People with Disabilities works with government ministries, the private sector, and NGOs to formulate and implement strategies to assist persons with disabilities. In July 2009 the council issued national accreditation standards for rehabilitation centers for persons with disabilities. According to the council there were more than 15,000 students with disabilities attending 255 specialized centers and schools.

Citizens and NGOs universally reported that persons with disabilities faced problems accessing education, transportation, and other services, particularly in rural areas. The Special Buildings Code Department is tasked to enforce accessibility provisions and oversees retrofitting of existing buildings to comply with building codes. 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 with between 25 and 50 workers employ at least one person with disabilities, and establishments with more than 50 workers must reserve 2 percent of their positions for persons with disabilities. However, these requirements were rarely enforced. Local organizations received complaints from persons with disabilities regarding employers who discriminated against them.

In 2009 the Government provided monetary assistance to citizens with severe mental and multiple physical disabilities whose families earned less than 250 dinars (\$360) per month, and the higher council and local NGOs operated assistance programs. During the year the higher council discontinued financial assistance previously provided to cover a portion of education, training, or rehabilitation expenses for persons with disabilities due to budget cuts.

In September the Government announced that it would allow persons with disabilities to vote with the aid of personal assistants rather than verbally, ensuring them greater ballot secrecy and electoral access. Takafo, an NGO aiming to increase voter participation for persons with disabilities, confirmed that the Government made the necessary changes for the November 9 parliamentary elections to allow voters with disabilities greater accessibility and greater ballot secrecy.

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 received full citizenship, as did 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 travel documents without national identification numbers, provided they did not also carry a Palestinian Authority travel document.

These individuals had access to some government services but paid noncitizen rates at hospitals, educational institutions, and training centers. Refugees who fled Gaza after 1967 were not entitled to citizenship and were issued temporary travel documents without national numbers. These persons had no access to government services and were almost completely dependent on UNRWA services.

Several human rights organizations stated that the Ministry of Interior revoked national numbers of many longtime citizens of Palestinian origin during the year, despite codified passport issuance procedures (see section 2.d.).

Palestinians were underrepresented in parliament and senior positions in the Government and the military, as well as in admission to public universities. They 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality is not illegal in Jordan; however, societal discrimination against LGBT persons existed. A number of citizens reported sporadic police mistreatment of suspected LGBT persons. There were reports of individuals who left the country due to fear their families would punish them for their sexual orientation.

In March 2009 the municipality of Amman reportedly denied an application to establish a gay rights organization.

In 2008 security forces arrested four gays in a park in West Amman for “lewd acts” following a targeted operation by the police. The individuals were placed in solitary confinement in Jweidah Prison until they promised that they would not carry out any such acts in the future.

Other Societal Violence or Discrimination.—HIV/AIDS was a largely taboo subject. Lack of public awareness remained a problem; many citizens believed the disease exclusively affected foreigners and gays. There was a social stigma against HIV-positive individuals in general. The Government continued efforts to inform the public about the disease and to eliminate negative attitudes against persons with HIV/AIDS, including a media strategy launched in September 2009. The Government continued to test all foreigners annually for HIV/AIDS, hepatitis B, syphilis, malaria, and tuberculosis, and it deported foreigners who tested HIV positive.

Section 7. 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, but in practice this right was restricted. According to official figures, more than 10 percent of the workforce was organized into 17 unions which fall under a government-subsidized centralized federation, the General Federation of Jordanian Trade Unions (GFJTU). On August 15, the Ministry of Labor issued a temporary law that allows foreign workers to join unions; however, foreign workers are not permitted to create unions or hold key positions.

Government influence in union policies and activities reportedly continued. The Government required unions to be members of the GFJTU, the sole trade union federation, and new unions must be directly linked to 17 professions and sectors in which unions already exist before being approved by the Ministry of Labor. The Government subsidized and audited the GFJTU’s salaries and activities, and it monitored union elections. Observers noted that the minister of labor may dissolve unions without judicial due process.

Teachers employed in public schools held several sit-ins during the year to demand their own professional association and better work conditions. The Government did not agree to establish an association but approved the creation of a teachers’ union, which would have broader legal restrictions and less autonomy than associations. As of year’s end, the teachers had not agreed to this proposal and were in negotiations with the Government. In June the Government forced approximately 40 teachers, many of whom were actively calling on the Government to create an independent association, into early retirement but reinstated them just before school started on September 14.

On July 15, the Government issued an amendment to the labor law allowing companies with more than 25 employees to form workers’ committees to look into labor conditions. The amendment also allowed up to 28 days of sick leave per year and the recalculation of annual leave to exclude weekends.

The law permits workers to strike only under certain conditions, including a minimum 14 days’ notice to both the employer and the Government. Strikes are prohibited if a labor dispute is under mediation or arbitration. In practice workers generally went on strike without notifying the Government in advance, and the union

or workers requested penalty waivers for the illegal strike as part of subsequent labor negotiations. During the year the gendarmerie broke up one strike deemed illegal due to lack of prior notice and briefly detained some strikers.

As of year's end, a joint PSD-gendarmerie investigation continued into the alleged July 2009 case of gendarmerie forces using excessive force to break up a sit-in by workers at the general cargo port in Aqaba. Workers held the two-day sit-in to protest job losses and a housing compensation agreement connected to the sale of the port. The Government transferred the strike leader from the port of Aqaba to another position in Amman. Labor activists and NGOs noted no significant improvements at the Aqaba port; however, the workers received some of their demands, such as monetary support of between 3,000 and 5,000 dinars (\$4,200-\$7,000) for moving expenses.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain collectively, and in practice the Government respected this right, although observers stated that the legal procedures are cumbersome and discourage collective bargaining.

The constitution prohibits antiunion discrimination, and the Ministry of Labor received no complaints of antiunion discrimination during the year; however, some nonunionized workers alleged retaliation from the Government based on strike activity and attempts to organize. This was particularly the case for foreign workers and contracted domestic employees, such as day laborers.

Nearly 76 percent of the workers in the qualified industrial zones (QIZs) were noncitizens and for most of the year were not permitted to participate in unions or to engage in collective bargaining. As of year's end, foreign workers were not permitted to form unions but could join existing unions.

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 garment sector factory workers. With the August 2009 passage of new domestic worker regulations, labor inspectors have the authority to inspect a labor complaint in a private home but only after receiving the employer's permission or with a court order. According to local NGOs, as of year's end, labor inspectors had not investigated reports of labor abuse in private homes. Domestic workers can file in-person complaints with the Ministry of Labor's Domestic Workers Directorate or the PSD; however, many domestic workers complained that there was no follow up to their cases either from the Ministry of Labor or the PSD. Domestic workers are covered by the labor laws, although not fully or effectively.

Women, including some minors with forged documents, from countries including Sri Lanka, Indonesia, and the Philippines migrated to work as domestic servants, but some were subjected to conditions of forced labor, including withholding of passports, restrictions on movement, nonpayment of wages, threats, excessively long working hours, and physical or sexual abuse. The Philippines, Indonesia, and Sri Lanka prohibited the emigration of migrant workers for domestic work because of a high rate of employer abuse of domestic workers and administrative problems with overstay fines when employers filed to renew the employees' work permits. However, the prohibition did not reduce the flow of migrant workers.

During the year an estimated 300 domestic workers from the Philippines, 275 Indonesian workers, and 400 Sri Lankan workers were sheltered at their respective embassies in Amman. Most had reportedly fled some form of forced labor, including unpaid wages and to a lesser extent sexual or physical abuse. By law employers are responsible for renewing residency permits but often fail to do this for their domestic helper employees. As a result most of the embassy-sheltered domestic workers were considered illegal residents, and many were stranded in the country because they were unable to pay the daily overstay fees of 1.5 dinars (\$3) to depart the country. Due to the large number of domestic workers sheltered at their respective embassies, the Government created a working group in August to examine the cases individually. In some cases this resulted in overstay fines being waived.

Chinese, Bangladeshi, Indian, Sri Lankan, and Filipino men and women encountered conditions indicative of forced labor in some garment sector factories, including unlawful withholding of passports, late or nonpayment of wages, and excessive overtime. The Government actively inspected factories and investigated allegations of forced labor in garment factories, and reports of withholding of passports declined during the year. The Ministry of Labor required violators to conform to the requirements of the labor law and other governing legislation and imposed fines when appropriate. The ministry also publicized the outcomes of its findings.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law forbids employment for children younger than 16 years of age, except as apprentices in nonhazardous positions. The law provides that employers who hire a child younger than 16 must pay a fine of as much as 500 dinars (\$710), which is doubled for repeat offenses. The law bans those between the ages of 16 and 18 from working in potentially hazardous jobs, limits working hours for such children to six hours per day, mandates one-hour breaks for every four consecutive working hours, and prohibits these children from working after 8 p.m., on national or religious holidays, and on weekends.

Children worked in mechanical repair, agriculture, fishing, construction, and the hotel and restaurant industry, as well as in the informal sector as street vendors, carpenters, blacksmiths, domestic workers, and painters, and in small family businesses. Child labor was reportedly concentrated in larger cities, such as Amman, Zarqa, and Irbid. A 2008 Department of Statistics study estimated that more than 32,000 children between the ages of five and 17 were working in the country. Activists estimated the number to be higher, as many businesses and families tended to hide the practice.

During the year the Ministry of Labor conducted 53,825 labor inspections including 19,165 child labor visits. In June officials inspected 412 institutions, issuing warnings to 75 employers and fining another 19 for recruiting children under the age of 16, mostly in mechanic shops, bakeries, blacksmith shops, carpentries, restaurants, and gas stations.

On September 20, the Ministry of Labor reported that 32.4 percent of working children were in Amman, with the remainder distributed across the country, mainly in impoverished areas. Eighty-nine percent of the working children were boys employed in the car repair (approximately 36 percent), agricultural (27 percent), or hotel and restaurant (4 percent) sectors.

The Government's capacity to implement and enforce child labor laws was not sufficient to deter the practice. The Ministry of Labor's Child Labor Unit coordinates government action regarding child labor and receives, investigates, and addresses child labor complaints. The unit, with three employees, coordinated child labor inspections for the 129 labor inspectors.

In 2009 the Government reinstated the National Committee to Combat Child Labor and initiated development of a new national strategy; however, as of year's end, the Government had not implemented the new national strategy. During the year international organizations trained 78 general labor inspectors on techniques of combating child labor. Sixty-two inspectors participated in several labor training courses during the year.

Labor inspectors issue fines for child labor violations but reportedly attempt alternative approaches first, such as ensuring safe work conditions and cooperating with employers to permit working children to attend school concurrently.

e. Acceptable Conditions of Work.—The national minimum wage was 150 dinars (\$213) per month, which did not provide a decent standard of living for a worker and family. Ministry of Labor inspectors enforced the minimum wage but were unable to ensure full compliance due to limited resources.

The law requires overtime pay for hours worked in excess of the 48-hour standard workweek. The law prohibits compulsory overtime but allows the employer to require the employee to work more than 48 hours a week for specific purposes, such as conducting an 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 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 can lodge a complaint directly with the Ministry of Labor or through organizations such as their union or the NCHR. Employees are entitled to one day off per week. Provisions for domestic workers were similar.

The law specifies a number of health and safety requirements that the Ministry of Labor is authorized to enforce; however, workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs and may be fired if they attempt to do so. Foreign workers were more susceptible to dangerous or unfair conditions.

Foreign workers, who make up the vast majority of workers in the QIZs and Export Processing Zones, were vulnerable to poor work conditions such as mandatory overtime, withholding of passports, and unacceptable living conditions in dorms. On August 18, the Phoenix Center for Economic and Informatics Studies issued a report claiming that approximately 10,000 attendants and cafeteria staff in the health support services sector were denied basic rights such as annual leave, health and safety conditions, and minimum wage as guaranteed under the labor law. The report indicated that a majority of the 23,000 day laborers were being denied their rights to

job security and safety. Throughout the year day laborers held several strikes and sit-ins to demand job security, payment of overdue wages, and wage increases.

On December 1, the Government issued a directive making the International Labor Organization project, Better Work Jordan, mandatory in all garment factories in the country. The project aimed to improve labor standards compliance through monitoring of factories and reporting on conditions as well as providing technical assistance.

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. The country has a population of 3.44 million, of whom 1.1 million are citizens. Local observers and the press considered the May 16, 2009, parliamentary election generally free and fair. Security forces reported to civilian authorities.

Principal human rights problems included limitations on citizens' right to change their government. There were reports of security forces abusing prisoners. Authorities limited freedoms of speech, press, assembly, association, and religion. The Government limited freedom of movement for certain groups, including foreign workers and stateless Arab residents (called "Bidoon"). The status of the Bidoon remained unresolved and they faced social and legal discrimination. Trafficking in persons remained a problem. Women did not enjoy equal rights. Worker rights were limited, and expatriate workers were subject to severe limitations of rights and discrimination as well, especially 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.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Articles 53, 159, and 184 of the criminal law code prohibit torture and other cruel, inhumane, or degrading treatment or punishment; however, there were reports that some police and members of the security forces 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 transgender persons. The Government stated that it investigated all allegations of abuse and punished 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 (see section 6).

In February the Court of Appeals upheld a two-year prison sentence for three police officers accused of torturing a young man in prison in 2008.

There were no further developments concerning the allegations that security officials abused hundreds of Bangladeshi workers in the wake of 2008 labor strikes.

Prison and Detention Center Conditions.—The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC). The ICRC visited all three prisons and the detention center and, unlike in 2009, the Government did not obstruct representatives of the Kuwait Human Rights Society from visiting prisons several prisoners during the year.

The Central Prison Complex houses the country's only three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. The prison complex exceeded its 3,200-person capacity; there were 201 inmates in the women's prison and 3,978 inmates in the men's prisons. Within the prisons, juveniles were detained separately from adults. The country also has a 1,000-person capacity deportation center in Talha that is not part of the prison complex. Some detention facilities lacked adequate sanitation and sufficient medical staff. There were reports of security forces abusing prisoners.

Prisoners had reasonable access to personal visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions.

Ombudsmen may not serve on behalf of prisoners.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government observed these prohibitions, apart from a few reports that police 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, and State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities. There were reports that some police stations did not take seriously the requests of complainants, especially foreign nationals. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial; there was no evidence of police impunity.

Security forces sometimes failed to respond effectively to societal violence against family members or domestic workers.

Arrest Procedures and Treatment While in Detention.—A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit. There were few reports of police arresting and detaining foreign nationals without a warrant during the year. The courts generally do not accept cases without warrants issued prior to arrests. Detainees were generally allowed access to their lawyers and family members. However, in compliance with the penal code a suspected criminal may be held at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always respected. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. Detainees were informed promptly of the charges against them. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer will be assigned to them.

Of the 4,179 persons serving sentences or detained pending trial, an estimated 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990-91 occupation. On March 23, the Ministry of Interior, in cooperation with the Kuwait Red Crescent Society, arranged for six Iraqi families to visit their relatives, imprisoned since 1991 for collaborating with Iraq during the occupation.

Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees. Pretrial detainees were held separately from convicted prisoners.

During the year foreign nationals at the Talha Deportation Center were generally incarcerated between 10 days and two months awaiting deportation. Some prisoners were held for longer periods if they lacked required travel documents. There were reports of security forces abusing prisoners in the deportation center.

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 may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens.

Trial Procedures.—By law, criminal trials are public unless a court or the Government decides the "maintenance of public order" or the "preservation of public morals" necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the rights to confront their accusers and to 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 used these services. Defendants have the right to confront witnesses against them and to present their own witnesses. Defendants and their attorneys generally have access to government-held evidence relevant to their cases and to appeal their cases to a higher court. 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, rulings occasionally were not enforced. 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. The law permits security forces to monitor private communications with the approval of the attorney general, and this monitoring occurred occasionally.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry foreign nationals. In practice the Government offered only non-binding advice in such matters and did not prevent any such marriages.

The Government may deny a citizenship application by a Bidoon resident based on security or criminal violations committed by the individual's family members.

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 conditions and in the circumstances defined by law.” In practice the Government sometimes did not respect these rights, and journalists and publishers practiced self-censorship. Restrictions on the country's press freedoms increased during the year.

The Government restricted freedoms of the press and of speech, particularly in instances related to national security. The law also specifically prohibits the publication of material insulting Islam, the emir, the constitution, or the neutrality of the courts or public prosecutor's office. The law mandates jail terms for anyone who “defames religion,” and any Muslim citizen may file criminal charges against an author the citizen believes has defamed Islam, the ruling family, or public morals. The number of such cases filed against journalists and television stations continued to increase significantly; 678 were filed during the year, most of which resulted in fines. In comparison, fewer than 200 were filed in 2009.

Pointed criticism of other ministers and other high-ranking government officials continued to be widespread and was permitted. During the reporting period, several individuals were charged with insulting the ruling family and, under separate legal provisions, slandering the prime minister.

On March 7, parliamentarian Muhammad Hayef was fined 3,000 dinars (approximately \$10,400) for comments he made in parliament during the May 2009 session deemed insulting to the ruling family. The daily newspaper Al-Ruia, which published his comments, was fined the same amount.

Also on March 7, parliamentarian Marzouk al-Ghanem and the newspaper Al-Nahar were each fined 3,000 dinars (\$10,400) for an article deemed insulting to the ruling family.

On June 30, National Democratic Alliance head and Member of the National Assembly Khaled al-Fadala was sentenced to three months in prison and fined 150 dinars (approximately \$525) for slandering the prime minister. On July 12, an appeals court released al-Fadala after reducing his sentence from three months to ten days.

On December 13 authorities shut the local offices of the Al-Jazeera TV network and withdrew its accreditation after it broadcast footage of police using force to break up an unauthorized gathering of oppositions, and subsequently gave airtime to opposition parliamentarians who strongly criticized the Government for the police's actions.

Journalist Muhammad Abdulqader al-Jassem continued facing various charges of insulting public officials. A lower court sentenced al-Jassem on April 1 to six months in jail and fined him 5,000 dinar (approximately \$17,400) for making slanderous remarks about the prime minister in 2009, but an appeals court overturned the conviction on July 12. Police rearrested al-Jassem on May 11 on separate charges of undermining the emir's status, attacking the regime, and spreading false information damaging to the country's national interests. On June 28, after posting a 2,000-dinar (approximately \$7,000) bail, al-Jassem was released. The case was pending at year's end.

On November 22, in a third case of allegedly defaming the prime minister in a blog post, which claimed that the premier engaged in embezzlement, money laundering, and association with Iranian intelligence agents, a court convicted and sentenced al-Jassem to one year in prison. On December 15, the sentence was reduced to three months following an appeal.

Throughout the year the Government restricted media freedoms on national security grounds. On May 4, citing security concerns, an order prohibited the media

from publishing any more reports about the alleged dismantling of an Iranian spy network.

On September 20, the Government revoked the citizenship of exiled Shia cleric Yasser al-Habib on the grounds that he disparaged the wife and companions of the Prophet Muhammad. The Government briefly detained, but did not charge, Sunni Islamist Mubarak al-Bathali who, in response to al-Habib's statements, advocated violence against the Shia community and two Shia parliamentarians.

On October 13, police arrested the owner of the Scope TV channel, Fajr al-Saeed, on charges that her channel's airing of the satirical comedy Sawtak Wasal (Your Voice Has Been Heard) fomented insurrection. On October 14, Al-Saeed's case was transferred to a criminal court where it was pending at year's end.

On October 17, relatives of Faisal al-Homoud al-Malik al-Sabah, who believed he had been slandered by al-Saeed's brother, talk show host Muhammad Talal al-Saeed, attacked the Scope TV office.

On December 12, police arrested Kuwait University law professor Obaid al-Wasmi, who had taken part in a December 8 diwaniya, an informal weekly social and political gathering that has generally been considered a space for free and open discourse on economic, political, and social issues, at parliamentarian Jam'an al-Hirbish's home that was deemed illegal and subsequently broken up by the police. Al-Wasmi was charged with spreading false news abroad, taking part in a public gathering with criminal intent, exhorting the security forces not to break up the diwaniya (i.e., to disobey a lawful instruction), and infringing on the emir's authority. His case was pending at year's end.

All print media were privately owned, although their independence was limited. They exhibited a diversity of opinion, but censored themselves to avoid criminal charges or fines, or to keep their licenses. All forms of media may be banned by the Ministry of Commerce at the request of the Ministry of Information.

By law newspaper publishers must obtain an operating license from the Ministry of Information. Publishers may lose their licenses 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.

There were no developments in the case former parliamentary candidate Muhammad al-Juwaihel, arrested in 2009 on charges of unlicensed broadcasting, making false claims, and compromising national security. The Government filed charges for public remarks broadcast by al-Juwaihel on his satellite outlet in which he reportedly insulted certain parliamentarians and made derogatory comments about Kuwaitis with dual citizenship and those of tribal and Bidoon origin. He was released on a 5,000-dinar (approximately \$17,400) bail in December 2009.

Fuad al-Hashem of the daily newspaper Al-Watan continued to refuse to pay a 2008 fine of 7,190 dinars (approximately \$25,000) for defamation as a result of convictions in three cases brought to court by the Qatari prime minister, who accused al-Hashem of harming his reputation in articles dealing with his relations with Israel.

The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported material that it deemed morally offensive, although satellite dishes were widely available and allowed some citizens to receive unfiltered media. According to Ministry of Information censorship guidelines, material offensive to Islam or other religions, material which insults the emir and crown prince, and the display of immoral conduct are prohibited.

The ministry also controlled the publication and distribution of all informational materials. In October, before the annual Kuwait international book fair, the ministry added 25 books to the thousands of titles already banned for being "contrary to the fair and state policies." The newly forbidden titles included Egyptian Alaa al-Aswani's bestselling novel "The Yacoubian Building."

Internet Freedom.—According to International Telecommunications Union statistics for 2009, approximately 39 percent of the country's inhabitants used the Internet. The Government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block Web sites considered to "incite terrorism and instability" and required Internet service providers to block religious and pornographic Web sites that "violate Kuwait's customs and traditions," in addition to political sites which the Government finds offensive. For example, the Web site of UK-based Shia cleric Yasser al-Habib was blocked. There were reports that the Government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or beliefs. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communication 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 prohibits academics from criticizing the emir or Islam.

The Ministry of Interior reserved the right to approve or reject annual public events and rejected those it considered politically or morally inappropriate.

According to the Middle East Studies Association, on February 11 the Government revoked an entry visa for Madawi al-Rasheed, a professor at King's College London, who was scheduled to give a public lecture in the country on "Suspended Political Reform in the Arab World" to the Institute for Women's Development and Training. Although authorities issued a visa on January 26, it was reportedly revoked due to al-Rasheed's widely published theories that conservative Islam inhibits democratization. The Government gave no official reason for denying al-Rasheed's entry.

In December 2009 authorities denied entry to Egyptian Qur'anic scholar Nasr Hamid Abu Zayd on the grounds that his already approved visa was invalid. Abu Zayd was scheduled to give two lectures on "Religious Reform in the Constitutional State" and on "Women's Issues: Between the Qur'an and Accepted Jurisprudential Thought."

There were no updates in the Commercial Attorney's Office's investigation of a hotel owner and party organizers for sponsoring a mixed-gender dance in 2008.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly. Organizers of public gatherings of more than 20 persons must obtain prior approval from the Ministry of Interior.

Many adult male citizens, including members of the Government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanis. A few women held female-only diwanis, and a small number of diwanis were open to both sexes.

Authorities curbed freedom of assembly in some political or security-related cases. On April 10, the Government deported 17 Egyptian expatriates who participated in a meeting in support of Egyptian opposition presidential candidate Muhammad El Baradei on the grounds that the assembly was not approved by the Ministry of Interior.

On September 13, the Government invoked the 1979 Public Gatherings Law (which had previously been only sporadically enforced) to ban gatherings of more than 20 persons in an effort to head off sectarian strife resulting from an exiled Shia cleric's disparaging the Prophet Muhammad's wife. On December 8, in accordance with the same law, the emir issued a formal decree banning outdoor public gatherings exceeding 20 persons. Later that day Ministry of Interior forces enforced the decree, forcibly shutting down a seminar at Member of Parliament Jam'an al-Hirbishi's diwaniya, which the Government contended was an illegal public gathering. On December 14, the police disbanded another similar public gathering without incident.

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 uses its power to license associations as a means of political control. There were 73 officially licensed nongovernmental organizations (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. There remained 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 \$41,800) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL resumed issuing licenses following a period of refusing to do so, received no financial assistance. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. It can also 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 organization. The degree of government supervision and financing called into question the NGOs' independence and nongovernmental status.

There were dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.

c. Freedom of Religion.—For a complete description of religious freedom, see the 2010 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 generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the Government placed some limits on freedom of movement in practice. Although the Government contributed 288,000 dinars (approximately \$1 million) to the Office of the UN High Commissioner for Refugees (UNHCR) during the year, it was uncooperative with most UNHCR and other humanitarian organizations' efforts to provide implementation of protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Women and Bidoon faced problems with or restrictions on foreign travel. In October 2009 the Constitutional Court issued and began enforcing a final ruling confirming a woman's right to obtain a passport without her husband's approval. However, a husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which a court order may extend the travel ban. The Government restricted the ability of the Bidoon population to travel abroad. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

The law also permits travel bans on citizens or foreigners accused or suspected of violating the law, and it allows other citizens to petition authorities to do so. In practice, this resulted in arbitrary delays and difficulties for citizens or foreigners in leaving the country.

The law prohibits the deportation or forced exile of citizens, although the Government can revoke citizenship of naturalized citizens for various causes, including felony conviction, and subsequently deport individuals. The Government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the country's law.

During the year several hundred Bidoon emigrated.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The laws do not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the Government did not grant refugee status or asylum during the year. The country's immigration regulations prohibit local settlement for asylum seekers. In practice, however, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees; the Government often kept such persons in detention until they agreed to return to their home country or made alternative travel arrangements, and it rarely granted them permission to live and work in the country.

Stateless Persons.—According to the law, citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The law further fails to provide nonnationals, including Bidoon and non-Muslims, a clear or defined opportunity to gain nationality. In July, the Ministry of Interior issued a regulation that allows female citizens to sponsor their nonnational children (regardless of their age) and husbands for residency permits.

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 last year the Government collected those statistics. The Government continued to discriminate against Bidoon in areas such as education, employment, medical care, and freedom of movement. Bidoon children may not attend public schools. The Government accepted Bidoon in some government positions. Although some Bidoon worked in the armed forces or police and there are no legal strictures that prevent their service, the Bidoon have effectively been barred from enlisting in either force since 1985. Bidoon often faced difficulty in qualifying 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, driver licenses, and marriage certificates.

On March 19, the National Assembly's Health and Labor Committee issued a two-month ultimatum for the Ministry of Health to issue birth certificates to Bidoon

newborns. On May 18, the Council of Ministers passed a resolution to issue birth certificates to all children of citizens married to Bidoon women. This resolution was based on precedents set in 2009. In March 2009 the Court of First Instance issued a marriage certificate to a Bidoon woman married to a citizen. In April 2009 and again in May 2009, the same court affirmed a Bidoon man's right to receive a marriage certificate and birth certificates for his children. Neither the justice nor health ministry complied with these 2009 court orders or the resolution of the Council of Ministers during the year.

During the year as in 2009, the Government did not grant citizenship to any Bidoon. More than 80,000 Bidoon citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the Government maintained that the vast majority of Bidoon were concealing their true identities and were not actually stateless.

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

Citizens had only a limited, indirect impact on control of the executive branch, as the constitution stipulates that the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must meet three requirements: that he has attained the age of majority, is of sound mind, and is a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is no longer accurate. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

Elections and Political Participation.—In May 2009, two months after the emir dissolved the National Assembly, a parliamentary election was held that was generally considered free and fair. It was the third election in three years, due to the emir's constitutional dissolutions of parliament in May 2006, March 2008, and March 2009.

The Government did not recognize any political parties or allow their formation, although no formal law bans political parties. Several tribal affiliations and well-organized unofficial blocs operated as political groupings and held illegal primary elections to maximize their impact in National Assembly. Tribal leaders excluded women from the tribal primaries. 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 exerted influence on the other three.

Section 4. Official Corruption and Government Transparency

The law mandates criminal penalties for official corruption; however, the Government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the Government agency responsible for combating government corruption, and though it and a government-formed committee reported various allegations of corruption and irregularities, there were no public high-profile corruption cases before the courts during the year. Parliament also frequently announced inquiries into suspected misuses of public funds, but none of these resulted in prosecution during the year. The World Bank's Worldwide Governance Indicators for 2009 reflected a decline from 2008 in public authorities' perceived control of corruption, which remained a problem.

There were also reports of citizens' complaints about having to pay intermediaries to receive routine government services. Additionally, there were some reports of police corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. In addition, there were widespread reports that police showed favoritism towards citizens.

The Ministry of Interior and the Ministry of Social Affairs and Labor revealed dozens of cases during the year of ministry employees forging documents to enable the importation of foreign workers. Violations were referred to investigative bodies within the ministries and then sent to the attorney general's office for action. Courts rarely took rigorous action 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 the law.

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

The Government restricted the operations of domestic and international human rights groups and limits cooperation with them. The law permits the existence of NGOs; however, the Government continued to deny licenses to some NGOs. NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society (KHRS) and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen 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 permitted international human rights organizations to visit the country. In January, Human Rights Watch officials visited and conducted interviews, including with government officials, principally concerning the protection of foreign domestic workers.

The Government cooperated with international governmental organizations and permitted visits of their representatives. On her visit on April 20-21, UN High Commissioner for Human Rights Navi Pillay emphasized the desirability of eliminating the labor sponsorship system requiring migrant works to secure local sponsors.

The National Assembly's Human Rights Committee, which operates independently of the Government, is an advisory body that primarily hears individual complaints of human rights abuses. Committee members also visited the Central Prison during the year (see section 1.c.). The committee had access to adequate resources and was considered effective; it did not issue reports.

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

The law prohibits discrimination based on race, origin, disability, or language; discrimination based on social status is not addressed. In practice the Government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and expatriate workers.

Women.—Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the country occasionally imposed 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. Police occasionally arrested alleged rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively to protect noncitizen women.

According to foreign diplomatic sources, victims reported that the majority of police stations and hospitals handled their cases in a professional way.

The law does not specifically prohibit domestic violence; cases are tried instead as assault, and a victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. On March 21, the MOSAL released the results of an interministerial study of domestic violence, drawn from a sample of 1,569 families. The study defined the phenomenon as physical, material, psychological, and sexual violence and found the causes to be divorce, continued disputes between the couples, deviation, infidelity, and psychological problems. One-third of the families reported that they had experienced domestic violence; 17 percent of women reported that they had experienced it, compared to 42 percent of men.

Each of the country's 83 police stations reportedly received complaints of domestic abuse. However, poor incentive to report abuse resulted from the strong social stigma associated with publicly acknowledging such problems. 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.

Although courts found husbands guilty of spousal abuse in previous years, most domestic abuse cases were not reported, especially outside the capital, and individuals reportedly bribed police officials to ignore domestic abuse charges. Abusive husbands, if convicted, rarely faced severe penalties. There were no shelters or hotlines

specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year.

Honor crimes, according to the penal code, are penalized as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her and/or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a 225 dinars (approximately \$800) fine, slightly less than a month's earnings at the public sector minimum wage. There were no reported honor crimes in recent years.

There is no specific law that addresses sexual harassment; however, the law criminalizes "encroachment on honor," which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year, the Government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive, yet unreported, problem.

There were no reports of interference in the right to decide freely and responsibly the number, spacing, and timing of children, matters subject to agreement between husband and wife. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth were freely available. There was no formal family planning program; oral contraceptives were available over the counter. Women had ready access to essential obstetric and postpartum care. According to estimates developed by the World Health Organization, the UN Children's Fund, the United Nations Population Fund, and the World Bank, there were approximately nine maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding diagnosis and treatment of sexually transmitted infections.

Women have some political rights; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system, and they continued to face discrimination in many social and legal areas. Nevertheless, some women attained prominent positions in government and business. A parliamentary committee for women's and family affairs exists, and female parliamentarians made up four of its five members.

Women continued to experience legal, economic, and social discrimination. Sharia (Islamic law) discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is also governed by Sharia, which varies according to the school of Islamic jurisprudence that different populations in the country follow. In the absence of a direct male heir, a Shia woman may inherit all property, while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

When the children of a divorced woman reach age 18, she loses her right to live in housing purchased through the Government loan program, regardless of any payments she may have made on the loan, and a female citizen married to a noncitizen cannot, by law, qualify for the loan program. On July 18, the Ministry of Interior issued a regulation that allows female citizens to sponsor their nonnational children (regardless of their age) and husbands for residency permits. Female citizens married to noncitizens were previously required to pay annual residence fees of 217 dinars (approximately \$750) for their husbands and children and had previously been unable to obtain any residency for their husband if he was unemployed. 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. Sharia courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the Sharia courts the testimony of a man is equal to that of two women.

The law provides for a woman to receive "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. In 2008 the Constitutional Court ruled that a housing benefits package which gave single women nothing while providing allowances for married men and women and unmarried men was unconstitutional. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. Women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of college graduates.

The law requires that classes at all universities be segregated by gender. Public universities enforced this law more rigorously than private universities.

Family matters are adjudicated in accordance with Sharia. The law prohibits marriage between Muslim women and non-Muslim men. A non-Muslim woman is not

required by law to convert to Islam to marry a Muslim male; however, in practice many non-Muslim women faced strong economic and societal pressure to convert. Failure to convert would grant custody of children to the father in the event of a divorce. By law, a non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband's property without being specified as a beneficiary in his will.

There were no female judges. On April 14, the Constitutional Court rejected a lawsuit by a female lawyer who claimed that her application for appointment in the public prosecution was unconstitutionally rejected because of her gender.

In July female police officers began working in public, including on patrols at malls and providing airport and VIP security. Female police officers, the first of whom graduated from the police academy in 2009, were previously restricted to deskwork and training new cadets.

Children.—The Government was generally committed to the rights and welfare of citizen children, although noncitizen children received less support and attention. The Government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants.

By law education for citizen children is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for Bidoon and expatriate children. Some Bidoon children attended private schools, and some did not attend school at all. The Government-administered Charity Fund to Educate Needy Children paid school fees for all Bidoon children (approximately 2,000) who applied for assistance during the 2009-2010 school year.

There was no societal pattern of child abuse.

The legal marriage age is 17 for men and 15 for women, but younger girls continued to marry earlier in some tribal groups. The Ministry of Justice estimated that underage marriages constituted 2 to 3 percent of total marriages.

All pornography is illegal; there are no laws specific to child pornography. There is no statutory rape law or minimum age for consensual sexual relations; however, premarital sexual relations are illegal.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli actions with those of Jews more broadly, particularly after the May 31 Israeli interception of the Gaza Freedom Flotilla, which included several prominent Kuwaitis. School administrators have issued standing instructions to teachers to expunge English-language textbooks of any references to Israel or the Holocaust, and books dealing with these topics remained banned. The Government did not make any public statement on textbook censorship. There were no known Jewish citizens and an estimated few dozen Jewish foreign resident employees.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, and mental disabilities and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The Government generally enforced these provisions. There were no specific reports of discrimination against persons with disabilities; 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.

In June the Government enacted a new disability law providing larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. The law requires government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs. The law also allows citizens with disabilities, or those with disabled children, to receive larger than normal housing grants and earlier pensions. Although Bidoons are not normally entitled to receive housing grants, the new law's provisions included disabled Bidoons, or those with disabled children.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the Government's Higher Council for Handicapped Af-

fairs, which makes policy recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The Government supervised and contributed to schools and job and training programs oriented to persons with special needs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with men younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (approximately \$3,700) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women.

During the year there were more than a dozen reports of police arresting transgender persons at malls and markets, beating them in custody and shaving their heads, and then generally releasing them without charges. The Government did not condone abuse by officials of transgender persons, but it also did not punish the abusers. For example, on December 31, police arrested two women for allegedly dressing and acting like men, according to the local press; the women were released the next day. In March 2009 Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing. By year's end there were no updates in this case.

There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, though unofficial ones existed. Societal discrimination based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either.

Other Societal Violence or Discrimination.—There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Unmarried men continued to face housing discrimination based solely on marital status. The law prohibits single men from obtaining accommodation in many urban residential areas.

Section 7. Worker Rights

On February 20, a new private sector labor law was published, replacing a 1964 law that expanded rights for private sector employees but did not cover domestic servants. The sponsorship system for migrant workers rendered this group of workers vulnerable to abuse and mistreatment.

a. The Right of Association.—With the exceptions of the country's domestic workers and maritime employees, the law provides that workers have restricted rights to join trade unions. The law gives workers the right to join unions without previous authorization. Nondomestic migrant workers can join unions, with restrictions, if they obtain a certificate of good conduct and moral standing from the Government, but they cannot run for seats or vote in board elections. An estimated 100,000 persons, or 5 percent, of a total workforce of two million were organized into unions, mostly in the public sector and the oil, gas, and petrochemical industries.

The Government restricted the right of association in forming unions. Only one union per occupational trade exists, and unions combine in the sole government-authorized federation. The Kuwait Trade Union Federation (KTUF) comprised 15 of the 47 licensed unions, amounting to the vast majority of union workers. The KTUF did not meet the needs of all workers and left many, such as bank workers and airline employees, dissatisfied. As a result, some unions or workers instead joined the unlicensed National Trade Union Federation.

The law stipulates that any new union must include at least 100 workers, 15 of them citizens and that union certification must be formally presented to them by the Government. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement because it discouraged unions in sectors that employ few citizens, such as much of the private sector, especially construction and domestic workers.

The Government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. If a union ceases to exist, the Government, in turn, takes all its assets. Union leaders and board members are elected by citizen union members. The law prohibits unions from engaging political, religious, or sectarian issues. 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. By law the MOSAL can request the dissolution of a union by the Court of First Instance. The emir also may dissolve a union by decree. No union was dissolved during the year. The Government denied several public sector and oil sector unions' applications for official

recognition during the year on the grounds that the law does not allow more than one union to represent the same profession or organization.

The law denies foreign domestic workers (approximately 560,000 of the estimated 1.5-million noncitizen workforce) and maritime employees the right to associate and organize. It also discriminates against more than one million other foreign workers by denying union voting rights, the ability to stand for union leadership positions, and restricting membership to workers with at least five years of residence, although the KTUF stated that this last requirement was not widely enforced in practice.

The law does not prevent the Government from interfering in union activities, including the right to strike. The requirements for conducting a legal strike were excessively lengthy and cumbersome in practice, and no legal strike took place during the year. To strike, a union must obtain permission from the Ministry of Interior, which did not grant permission for any of the strikes that took place during the year.

Most labor disputes are resolved in compulsory negotiations; if not, either party may petition the ministry for mediation. If mediation fails the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the Attorney General's Office, and the respective ministry involved. The law does not prohibit retaliation against strikers by employers. Employers generally tried to settle disputes with workers themselves in order to retain them.

Foreign workers went on strike during the year. Most striking workers were employees of cleaning and security companies who claimed they either not been paid or had received insufficient salaries. In these instances the ministry responded by attempting to negotiate a settlement between the workers and the employers. However, the Government's Central Tenders Committee barred two cleaning companies for three months from bidding on government contracts because of a wage dispute that culminated in an October cleaners' strike affecting public sector buildings.

b. The Right to Organize and Bargain Collectively.—The law provides workers, with the exceptions of domestic servants, maritime workers, and civil servants, the right to bargain collectively, subject to certain restrictions. In practice the Government generally respected the rights of those workers covered by the law. Collective agreements covered approximately 70 percent of the citizen labor force. There are no legal restrictions on collective bargaining. There is no minimum number of workers needed for such agreements.

The law 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. By law 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.

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, "except in cases specified by law for national emergency and with just remuneration." However, there were reports of such practices, usually made possible by employer misuse of the sponsorship system of noncitizen workers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers who are employed under the sponsorship system. Many of these workers are subjected to restrictions on movement and communication, forced overtime, non-payment of wages, and some experience physical abuse. Female domestic workers are particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences.

There were frequent reports of domestic workers committing or attempting suicide related to desperation over abuse or poor working conditions. The number of such cases continued to increase.

See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor, and the Government made efforts to enforce the law effectively. There were credible reports of underage workers, almost entirely concerning domestic servants of South Asian origin. Some underage workers, mostly domestic servants, entered the country on travel documents with falsified birth dates. Approximately 300 inspectors from the MOSAL's Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension in their company oper-

ations. See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The legal minimum age for employment is 18; however, employers may obtain permits from the ministry to employ juveniles between the ages of 15 and 18 in non-hazardous trades. On September 6, the MOSAL issued a regulation further restricting the trades in which juveniles between the ages of 15 and 18 may be employed. 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.

e. Acceptable Conditions of Work.—On April 14, the MOSAL announced an increase in the national minimum wage for the private sector; however, this did not include domestic workers who earn up to 60 dinars (approximately \$210) per month, which does not provide a decent standard of living for a worker and a family. The Government will not issue visas for dependents to accompany workers earning less than 250 dinars per month (approximately \$875).

The law limits the standard workweek to 48 hours (40 hours for the petroleum 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. Workers submitted complaints to the ministry's Labor Disputes Department.

On February 22, a new private sector labor law, which does not apply to domestic workers, went into effect, increasing annual leave from 14 days to 30 days, mandating 70 days of paid maternity leave, and requiring that notices of termination be provided three months in advance (as opposed to a one-month notice). For work on Friday, workers are entitled to a day and a half's pay and a day off in the following week. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day.

In August 2009 the MOSAL issued a regulation to permit most foreign workers to change employers after three years of work without having to secure the permission of the original sponsor first. The regulation excludes domestic workers, public sector workers, and foreign workers involved in finance management, thereby applying to approximately two-thirds of the country's two million foreign workers.

The Government issued occupational health and safety standards; however, compliance and enforcement by the 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. Inspections do not, however, extend into the home which is the workplace of the majority of the country's domestic workers. In past years government attention to worker safety issues was limited, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports. No such cases were reported during the year.

The law provides that all outdoor work stop between noon and 4:00 p.m. during the months of June, July, and August, or when the temperature rises to 50 degrees Celsius (122 Fahrenheit) in the shade. The MOSAL monitored work sites to ensure compliance with these rules. There were no reports of violations during the year. Workers could report these violations to their embassies, to the Kuwait Trade Union Federation, or the Labor Disputes Department at the Ministry of Social Affairs and Labor.

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 June 7, the country held parliamentary elections international observers deemed generally free and fair. In May 2008 parliament elected President Michel Sleiman, who serves as the head of state. On June 27, the president and parliament appointed Saad Hariri prime minister-designate, and Hariri formed a cabinet November 9 after lengthy negotiations. Civilian authorities generally maintained effective control of government security forces. UN Security Council (UNSC) resolutions 1559 and 1701 call upon the Government to take effective control of all Lebanese territory and disarm militia

groups. Despite the presence of Lebanese and UN security forces, 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. Palestinian refugee camps continued to act as self-governed entities and maintained security and militia forces not under the direction of government officials.

There were limitations on the right of citizens to change their government peacefully. Unknown actors committed unlawful killings, and there was one reported disappearance during the year that may have been politically motivated. 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 lack of transparency. There were limitations on freedom of movement for unregistered refugees. 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.—There were no reports the Government or its agents committed arbitrary or unlawful killings. There was at least one high-profile killing by unknown actors. On March 23, a roadside bomb blast close to Mieh Mieh, a Palestinian refugee camp east of Sidon, killed Kamal Medhat, deputy head of the Palestine Liberation Organization (PLO) in the country, along with Akram Daher, Khaled Daher, and Mohammed Shehadeh.

There were few developments in killings by unknown actors from previous years.

At year's end investigations were ongoing in two January 2008 explosions: one targeted a diplomatic vehicle, killing three persons and injuring two security employees; the other killed Internal Security Forces (ISF) Information Technology Intelligence branch head Captain Wissam Eid and three others, and injured 36.

During January 2008 riots protesting power outages in the predominantly Shia Muslim area of Shiyah, an unknown assailant shot and killed an Amal movement official. In response the riots turned violent, with protestors throwing stones and setting cars ablaze; seven civilians died, and more than 19 were injured. In February 2008 the Lebanese Armed Forces (LAF) arrested 17 persons, including 11 soldiers and three officers, for excessive use of force in containing the protests. Authorities later released on bail the three officers, some of the soldiers, and other individuals.

In September 2008 unknown persons 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 2008 conflict with Hizballah. At year's end the investigation was ongoing.

There were no developments in investigations following several 2007 car bombing deaths, including those of member of parliament (MP) Walid Eido and 10 others in June and MP Antoine Ghanem and eight others in September. There were no developments in the investigation of the 2006 killings of Islamic Jihad member Mahmoud Majzoub and his brother or of the roadside bombs in Rmeileh that injured ISF Lieutenant Colonel Samir Shehade and killed four of his bodyguards.

It remained difficult to distinguish politically motivated crimes allegedly committed by opposition groups or terrorists from simple criminal acts or disputes, as the Government did not exercise control over all its territory and investigations of suspicious killings rarely led to prosecutions.

In April 2008 Joseph and Tony Zouki, supporters of pro-March 8 Alliance MP Elie Skaff, allegedly shot and killed two Phalange party supporters, Nasri Marouni and Salim Assi, during the inauguration of the Phalange headquarters in Zahle. At year's end Joseph and Tony Zouki remained at large.

In May 2008 Hizballah-led opposition fighters occupied parts of downtown Beirut to protest two government decisions against Hizballah. Armed clashes ensued between the predominantly Shia opposition and Sunnis aligned with the majority. The occupiers targeted Sunni-run political party offices and media outlets. There were also armed clashes between Druze and Hizballah in the mountains and between Sunnis and Alawites in the north. The May 2008 conflict reportedly resulted in more than 80 deaths and 250 injuries.

According to Human Rights Watch (HRW), during the May 2008 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 opposition gunmen shot and killed Amal Baydoun and her son, Haytham Tabbarah, with an RPG while the two 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 in May 2008, supporters of the progovernment groups Future Movement and the Progressive Socialist Party (PSP) resorted to violence against civilians and offices associated with opposition groups in areas under the groups' control in northern Lebanon, the Bqaa', 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 PSP fighters shot at least one victim in the head at close range. In Halba, a village in the north, armed Sunnis killed members of the SSNP who had surrendered. According to HRW, the judiciary has issued only one indictment related to the May 2008 clashes, against an individual who shot at civilians. Other investigations have stalled with no prosecutions by year's end.

In May 2008 a blast killed soldier Ossama Hassan at an army intelligence post near the northern city of Tripoli. In August and September 2008, two separate bomb attacks targeted buses filled with LAF soldiers on their way to work in Tripoli, killing 20 persons, including 14 soldiers, and injuring more than 90. In October 2008 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. At year's end, authorities continued to detain 26 suspects; eight others, including Fadi Ghassan Ibrahim, remained at large. Judicial authorities also accused Ibrahim, a suspected member of Fatah al-Islam (FAI), of killing Brigadier General Francois el-Hajj and his bodyguard in 2007.

Four suspected members of FAI charged with leading the 2007 Ain Alaq twin bus bombings remained in detention at year's end, without formal convictions or progress toward a trial.

On April 29, the UN-appointed Special Tribunal for Lebanon ordered the Government to release for lack of evidence four generals suspected of collaborating in the 2005 killing of former prime minister Rafiq al-Hariri and 22 other individuals. The officers were Major General Jamil Sayyed, former chief of Surete Generale (SG); Major General Ali Hajj, former ISF head; Brigadier General Raymond Azar, former chief of military intelligence; and Brigadier General Mustafa Hamdan, former commander of the presidential guard.

Israeli cluster munitions from the 2006 conflict continued to kill and injure civilians during the year. In April the UN Interim Force in Lebanon (UNIFIL) estimated these munitions caused an ongoing average of two civilian casualties per month. The UN Mine Action Coordination Center estimated 560,000 to 1.1 million unexploded munitions remained, despite ongoing removal efforts. At year's end munitions had killed 44 persons since the end of the conflict. On May 13, Israel provided strike data to the Lebanese government to assist in explosive ordnance disposal and demining efforts.

b. Disappearance.—There was one report of an allegedly politically motivated disappearance during the year. On February 12, three masked men seized Middle East Airlines' Director of Information Technology Operational Services, Joseph Sader, as he got off a bus and walked to his office in the Rafiq Hariri Beirut International Airport. According to Sader's brother, the men threw Sader into a van and drove away. A small bus carrying army personnel who also witnessed the accident pursued but reportedly lost the van in heavy traffic. Although the ISF was investigating the disappearance, some expressed concern at government and security officials' refusal to discuss the case, and at least one source claimed the kidnappers transferred Sader to LAF intelligence, purportedly to investigate his relationship with an acquaintance who had connections to Israel. According to press reports, Bishop Elie Haddad, Melkite Roman Catholic Pastor of Sidon and Deir al-Qamar, said in an interview with television channel OTV Sader was still alive, and a local armed group without connections to Hizballah was holding him. Sader remained missing at year's end.

In December 2008 plainclothes military intelligence officers took Syrian citizen and United National Alliance member Nawar Abboud and two of his employees from his office in Tripoli to al-Qubbeh military base for interrogation. Authorities reported they released all three over the next two days, but Abboud remained missing at year's end despite his family's reportedly extensive efforts to find him. On November 10, the UN Working Group on Arbitrary Detention (WGAD), the body mandated to investigate complaints of arbitrary deprivation of liberty, declared Abboud's

disappearance to have been arbitrary. The WGAD said the Government's response to its queries on Abboud's whereabouts had been "brief and imprecise" and urged the Government to "show with precision the proof that he was liberated." At year's end Abboud's whereabouts were still unknown.

There were no developments in the 2007 kidnapping and killing case of Ziad Ghandour and Ziad Qabalan, who were affiliated with PSP leader Walid Jamblatt. In September 2008 the public prosecutor issued charges against 14 persons, including brothers Mohammed, Shehadeh, Abdallah, Abbas, and Ali Shamas, who remained at large at year's end.

More than 17,000 persons reportedly disappeared in the country during the 1975-1990 war. On October 23, judicial authorities ordered the Council of Ministers to release the official investigations report issued in 2000, of which only a three-page summary had been previously available. At year's end the report had not been published.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit torture or cruel, inhuman, or degrading treatment or punishment, and there were reports government officials employed such practices. According to human rights groups—including Amnesty International (AI), the Lebanese Association for Education and Training (ALEF), and HRW—torture was common, and security forces abused detainees. Human rights organizations reported torture occurred in certain police stations, the Ministry of Defense (MOD), and the ISF's intelligence branch and Drug Repression Bureau detention facilities in Beirut and Zahle. At year's end the Government had not submitted its initial report under the Convention Against Torture—a report due in 2001. The Government also continued to deny the use of torture, although authorities acknowledged violent abuse sometimes occurred during preliminary investigations at police stations or military installations where suspects were interrogated without an attorney. Such abuse occurred despite national laws preventing judges from accepting confessions extracted under duress.

Former prisoners, detainees, and reputable local human rights groups reported the methods of torture and abuse applied included hanging by the wrists tied behind the back, violent beatings, blows to the soles of the feet, electric shocks, sexual abuse, immersion in cold water, extended periods of sleep deprivation, being forced to stand for extended periods, threats of violence against relatives, deprivation of clothing, withholding of food, being deprived of toilet facilities, and continuous blindfolding.

On January 22, LAF soldiers allegedly discovered two men engaged in homosexual activity in the lobby of an uninhabited building in Beirut. They dragged them to Sassine Sqaure in Beirut and severely beat them. According to reports soldiers punched, kicked, and jabbed the men with their rifle butts. The beating reportedly ended only when bystanders began to intercede, but the LAF detained the men at police barracks on the attorney general's order until their release a few days later.

On July 8, LAF officials arrested and beat Mathieu Fever, a French citizen and son of Jean-Francois Fever, head of security for UN agencies in the country. The LAF alleged Fever had attempted to obstruct a convoy transferring a dangerous criminal and the convoy repeatedly warned Fever to move. Fever had a broken leg when the LAF released him two hours after the arrest. No new developments were reported in this case by year's end.

From October to November 2008, authorities reportedly tortured Fadi Anwar Sabunah, who was in detention at the MOD. According to international nongovernmental organization (NGO) Alkarama (Dignity), officers tortured Sabunah before he reportedly signed a confession to end the torture. At year's end he faced criminal charges before the Beirut military tribunal related to May, August, and September 2008 bomb attacks on LAF soldiers.

From November 2007 to February 2008, according to Alkarama, ISF intelligence agents allegedly tortured Amer and Mosbah Hashash in incommunicado detention at the ISF Directorate General detention center in Beirut. Authorities reportedly tortured the brothers to force them to sign confessions they were not permitted to read. The brothers, who were charged with forming a terrorist group, were awaiting trial at year's end.

In 2007 security forces arrested five men in Tripoli on suspicion of supplying weapons to FAI. Security forces reportedly broke one suspect's jaw while he was in detention and forced another to stand for long periods of time, beating him severely if he tried to rest. Police dropped charges against two suspects; the others remained in custody at year's end.

According to the Lebanese Center for Human Rights (CLDH), on July 31, the military court sentenced Faysal Ghazi Moqalled to life imprisonment for his 2006 interaction with the Mossad, the Israeli intelligence agency. Moqalled originally was ille-

gally detained for five months in a Hizballah prison in 2006, where he was allegedly tortured. Subsequently the MOD detained him for 20 months, and he was allegedly tortured again. His trial on appeal was scheduled for February 2010.

The army intelligence service arrested Mahmoud Qassem Rafeh in 2006 on suspicion of being an Israeli agent and subsequently detained him at the MOD, where he was allegedly tortured and forced to sign a confession. Rafeh was detained for approximately two years before he was permitted access to a lawyer; at year's end he was in prison awaiting trial.

Prison and Detention Center Conditions.—Prison and detention center conditions were poor and did not meet minimum international standards. Prisons were overcrowded and sanitary conditions, particularly in women's prisons, were very poor. NGOs working with prisoners reported three cases of prisoner-on-prisoner rape in Roumieh prison during the year. According to one NGO, 27 prisoners died during the year primarily due to authorities' negligence and failure to provide appropriate medical care. The Government did not consider prison reform a high priority.

At year's end there were 4,800 prisoners and detainees, including pretrial detainees and remand prisoners, in facilities built to hold a maximum of 2,500 inmates. NGOs reported at the end of the year, 138 minors and 336 women were incarcerated. Overcrowding and limited prison facilities meant pretrial detainees were often held together with convicted prisoners, and juveniles may have been held together with adults during the year. Men and women are held separately in similar conditions. The LAF carried out interrogations of security detainees in detention centers at the MOD. Authorities held FAI prisoners in separate cells at Roumieh prison.

The Government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC), and such monitoring took place during the year. According to its 2008 annual report, the ICRC carried out 136 visits to 6,104 detainees in 21 prisons and detention centers.

Nongovernmental entities such as Hizballah and Palestinian militias also operated detention facilities.

The Government made modest efforts to rehabilitate some inmates through education and training programs. A 15-month project funded by the European Union and implemented by the Association for Defense of Rights and Freedoms used theater arts to help inmates express themselves and communicate with others.

d. Arbitrary Arrest or Detention.—The law requires judicial warrants before arrests, except in immediate pursuit situations, but 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. The State Security Apparatus, which reports to the prime minister, and the SG, under the MOI, control the borders. The LAF is responsible for external security but may also arrest and detain suspects in the country on national security grounds. Both the State Security Apparatus and the SG collect information on groups deemed possible threats to state security.

Government security officials and agencies and the police force are subject to laws against bribery and extortion. In practice a lack of strong enforcement limited the laws' effectiveness. The Government acknowledged the need to reform law enforcement behavior. The ISF maintained three complaint hotlines. Hotline operators in North Lebanon, South Lebanon, Bika', and Mount Lebanon each received approximately 50 calls per day; the Beirut operation center received approximately 100 calls per day. If the calls indicated urgency, the ISF dispatched its forces for assistance. During times of particular security instability, these centers received a greater number of calls.

Arrest Procedures and Treatment While in Detention.—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 authorities hold a detainee 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, but charges are rarely filed. 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 to order the release of the suspect. By law bail is available in all cases regardless of the charges, although the amounts demanded may be set prohibitively high.

The law guarantees detainees prompt access to a lawyer and to family members. However, the state does not provide legal assistance, although the Beirut Bar Association provides lawyers for indigent defendants.

Authorities did not observe many provisions of the law, and government security forces—as well as extralegal armed groups such as Hizballah—continued the practice of arbitrary arrest and detention. In addition, the law permits military intelligence personnel to make arrests without warrants in cases involving military personnel and those involving alleged espionage, treason, and weapons possession.

According to the CLDH, there have been clear cases of arbitrary detention and torture among persons detained on spying charges. For example, the CLDH reported four individuals accused of spying complained various security services tortured them to force them to sign confessions.

Bureaucratic inefficiency delayed some cases. According to the CLDH, on September 25, authorities summoned Haytham Zantout to the Shiyah police station, where they interrogated him concerning a financial case. Zantout spent a night at the police station and four nights at the Baabda Court jail before authorities transferred him to Roumieh prison. After three hearings the investigative magistrate ordered him released on October 19. However, due to a delay in transmitting the release order to prison authorities, Zantout was only released on December 10, seven weeks after his ordered release date.

Palestinian refugees were subject to arbitrary arrest and detention by state security forces and rival Palestinian factions. No statistics on the number of such cases were available at year's end.

For example, on September 5, Hizballah reportedly arrested Salah Ezzedine and conducted an interrogation into his alleged financial fraud scheme before remanding him to the custody of government law enforcement personnel. Both Ezzedine and his business partner Youssef Faour were charged with fraud, embezzlement, distributing worthless checks, and violating the country's fiscal law.

Human rights activists believed as of 2008 there were at least 600 Lebanese and Palestinians from Lebanon in prolonged and often secret detention in Syria. In August 2008 Minister of Justice Ibrahim Najjar stated in a televised interview there were 745 citizens missing in Syria, some of them convicted criminals, and some victims of "enforced disappearances." Najjar was the first government official to classify the detainees publicly. By year's end the Syrian government had released 130 detainees; all of those released had been convicted as criminals. According to NGO Support of Lebanese in Detention and Exile, at year's end the Syrian delegation to the joint Syrian-Lebanese commission had not granted approval for the country's judges to check on the prisoners remaining in Syrian detention, although it had agreed in principle to do so.

Pretrial detention was a serious problem. According to ISF statistics, of the 5,122 persons in prison in May, more than 3,200 had yet to go to trial. The Office of the United Nations High Commissioner for Refugees (UNHCR) expressed concerns about arbitrary pretrial detention without access to legal representation and refused to support construction of new prisons until the issue of arbitrary pretrial detention was resolved.

Amnesty.—On July 10, President Sleiman granted amnesty to Palestinian prisoner Youssef Shaaban, jailed since 1994 for allegedly killing a Jordanian diplomat. Shaaban's release came several years after the execution of the confessed killers in Jordan. Shaaban was sentenced on the basis of confessions intelligence services extracted from after torturing him. He had been claiming his innocence for 15 years.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice the judiciary was subject to political pressure, particularly in the appointment of key prosecutors and investigating magistrates. Influential politicians and intelligence officers intervened at times and used their influence and connections to protect supporters from prosecution. Despite intimidation generated by a series of unresolved political assassinations by unidentified assailants beginning in 2004, the aftermath of the 2005 assassination of Rafiq Hariri led to the gradual reduction of Syrian influence over the judiciary.

The Ministry of Justice (MOJ) appoints most judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases that accumulated during the years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 12 Palestinian-controlled refugee camps in the country.

The judicial system consists of the civilian courts, a military court, the Judicial Council, and the Constitutional Council. There are tribunals for the 18 government-recognized religious affiliations to adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody according to each confession's principles. Shia and Sunni religious communities use religious courts that apply Shari'a principles to resolve family legal matters. There are also religious family courts in

the Christian sect and Druze communities. There was no universal or secular personal status civil court system, no full body of civil law, and no appeal mechanism for the confessional courts.

The military court tries cases involving military personnel and civilians in security-related issues, but it also has jurisdiction over 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 cassation court. Defendants on trial by military tribunals 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 have the same procedural rights as other defendants, but there is no right to appeal, and judges have the discretion to order the sessions, which are generally public, be closed.

Trial Procedures.—Defendants do not enjoy a presumption of innocence, and there is no trial by jury. Trials were generally public, but judges have the discretion to order a closed court session. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, and to question witnesses against them, but they must do the latter through the court panel, which decides whether to permit the defendant's question. Although 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, of whom 80 percent were foreigners. A member of the Beirut Bar Association's Legal Aid Committee estimated as many as 20 percent of such defendants believed they did not receive proper representation. Defendants may present witnesses and evidence, and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal. These rights generally were observed and applied to all defendants, both citizens and foreigners.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice outside 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 transferred the perpetrator to state authorities for trial.

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

Civil Judicial Procedures and Remedies.—There is an independent judiciary in civil matters. In practice it was seldom used to bring civil lawsuits seeking damages for human rights violations the Government allegedly committed. During the year there were no examples of a civil court awarding an individual compensation for human rights violations the Government committed against them. Many potential litigants perceived such litigation was not worth the effort because the process was lengthy and there were few precedents of successful outcomes.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. The law requires police obtain warrants before entering homes except when in close pursuit of armed attackers, and they generally did so.

The Army Intelligence Service monitored the movements and activities of members of opposition groups. Security services continued to eavesdrop, although the law requires prior authorization. Defense Minister Elias Murr stated that Law 140, which regulates eavesdropping, was implemented as of February 3. The law allows the State Prosecutor's Office to request permission to tap telephone calls made in connection with ordinary crimes. It also allows the ministries of defense and interior to request the interception of calls related to political and terrorist activities. These ministries must first inform the Council of Ministers of their intention to request a particular telephone tap. Subsequently they must submit all specific requests to the relevant authorities. The law also provides for the formation of an independent judicial committee to receive telephone-tapping complaints and permits security services to monitor suspected criminals' telephones. On August 17, the press reported the establishment of a new telephone-tapping center, operated by army officers, with the capacity of recording 72,000 calls per day.

Militias and non-Lebanese forces operating outside the area of central government authority also frequently violated citizens' privacy rights. Various factions used in-

former networks and telephone monitoring to obtain information regarding their perceived adversaries.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, but political violence and extralegal intimidation in recent years have led to self-censorship among journalists. Individuals are free to criticize the Government but are legally prohibited from publicly criticizing the president and foreign leaders.

Dozens of newspapers and hundreds of periodicals were published throughout the country, financed by and reflecting the views of local, sectarian, and foreign interest groups. In cooperation with the UN Educational, Scientific, and Cultural Organization's (UNESCO) regional office in Beirut, the Maharat Foundation released its annual report on the status of freedom of expression and opinion in the country for the year 2008. It noted the law restricts the freedom to issue, publish, and sell newspapers. The law also limits the number of political periodical publications to 25 per day for political publications and 20 a day for provisional political publications; prohibits the release of any publication without a prior license from the minister of information in consultation with the Press Union; and outlaws owning or managing a printing press without informing the Ministry of Information. There was limited state ownership of newspapers and periodicals; of the nine television and 33 radio stations, all but one television and one radio station were privately owned. The majority of media outlets had political affiliations, which sometimes hampered their ability to operate freely in areas dominated by other political groups and affected the objectivity of their reporting.

In November 2008 more than 15 supporters of the SSNP attacked Future News Television reporter Omar Harqous with sticks in Beirut's Hamra Street, injuring him in the head, neck, and chest. Harqous, who was admitted to a hospital for treatment, filed a complaint against the SSNP, its president, and the assailants, claiming the attack was motivated by his political reporting and editorials and that the assailants called him a Jew. The case was under appeal at year's end.

During the year several journalists privately reported receiving threats from political parties, politicians, fellow journalists, and opposition militia figures who generally threatened violence against them and their families if they did not cease writing articles on sensitive political issues. During the May 2008 conflict, there were physical attacks on several journalists and photographers, and armed Hizballah fighters closed four government-affiliated media outlets for several days. According to the Maharat Foundation's 2008 survey, 10 of the 61 journalists interviewed had experienced a shooting or beating in 2008, six had been threatened or intimidated, and four had been illegally detained.

The law permits censorship of pornographic material, political opinion, and religious material considered a threat to national security or an offense to the dignity of the head of state or foreign leaders. The 1991 security agreement between the Government and the Syrian government, still in effect, contains a provision prohibiting the publication of any information deemed harmful to the security of either state. The SG reviews and censors all foreign newspapers, magazines, and books before they enter the country.

On October 19, the media reported the Government forced a private school to remove pages reportedly describing Hizballah as a terrorist organization from a history book, following a complaint by former labor minister Mohammad Fneish. Any of the recognized religions may unilaterally request the SG ban any book. The Government may prosecute offending journalists and publications in the publications court.

Officials also used libel laws to suppress criticism during the year. On July 31, security forces surrounded the headquarters of the Al-Jadeed television station to serve an arrest warrant against Ghada Eid, the host of weekly talk show Corruption, for allegedly slandering judge Shaheed Salameh during an episode of her show. The court issued an arrest warrant for Eid when she failed to appear at a hearing on the case; she claimed she had not received the summons. Eid avoided arrest on July 31 but surrendered to authorities on September 14. She was subsequently released on six million pounds (\$4,000) bail. On November 30, in a separate libel case against judge Afif Shamseddine, the press court sentenced Eid to three months' imprisonment and a fine of 30 million pounds (\$20,000). The court also demanded she read the accusation against her aloud on the first episode of her show following implementation of the sentence.

In September 2008 the Execution Bureau of Beirut enforced a provisional seizure of property against Al-Jadeed in compliance with a decision by the Court of Publications. Former justice minister Charles Rizk had filed a lawsuit in 2007 against the head of the station's editorial department, Maryam al-Bassam, accusing her of libel.

Ruling in favor of Rizk, the court judgment forced Al-Jadeed to pay 50 million pounds (\$33,333) to Rizk as compensation and 13 million pounds (\$8,666) to the state in penalty and judgment fees. Al-Jadeed paid the compensation to the state but appealed to the Supreme Court to avoid paying compensation to Rizk, who in turn requested the provisional seizure of Al-Jadeed's property. At year's end, there were no new developments. At year's end, authorities had not pursued most judicial cases launched in previous years against journalists.

Internet Freedom.—The Government reportedly censored some Internet sites, but there were no reports the Government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including e-mail and Internet discussion groups. According to 2008 International Telecommunications Union statistics, approximately 23 percent of the country's inhabitants used the Internet. The SG and MOJ sometimes contacted Internet service providers to block pornographic and religiously provocative Web sites.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom, apart from libel and slander laws, but 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 deemed offensive to religious or social sensitivities. On February 16, the SG banned director Marc Abi Rached's film *Help*—about a homeless boy who meets a female prostitute living with a gay man—after having previously granted permission to screen the film. *Help* was subsequently presented at the October 7-14 Beirut International Film Festival, during which the SG banned the films *Le Chant des Mariees*, *Confortorio*, and *Gostanza Da Libbiani* for objectionable content. At year's end the SG's ban on the public screening of the Israeli animated film *Waltz with Bashir* remained in force.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, but the Government sometimes restricted this right in practice. The MOI required prior approval for rallies, and it sometimes did not grant permits to groups that opposed government positions.

Freedom of Assembly.—Unlike previous years there were no reported cases of security forces abusing demonstrators or failing to prevent violence against them.

Freedom of Association.—The law provides for freedom of association, but the Government imposed limits on this right. The law requires every new organization to submit a notification of formation to the MOI, which then issues a receipt. The MOI sometimes imposed additional and inconsistent restrictions and requirements and withheld receipts, turning the notification process into a de facto approval process. In some cases the MOI sent notification of formation papers to the security forces to initiate inquiries on an organization's founding members. Organizations must invite MOI representatives to any general assembly where members vote on by-law amendments or 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 2008 elections of the Israeli Communal Council, a legally registered Jewish organization representing the small Jewish community and Jewish property owners who do not reside in the country. As with the previous two such elections, the MOI did not validate them until May 2008, following diplomatic intervention.

The cabinet must license all political parties (see section 3).

c. Freedom of Religion.—The constitution provides for freedom of religion and the freedom to practice all religious rites, provided the public order is not disturbed. The Government generally respected these rights, but there were some restrictions.

The Government must formally recognize a religious group for it to obtain official status. A group must submit a statement of its doctrine and moral principles for government review to ensure that such principles do not contradict popular values or the constitution. The group must ensure the number of its adherents is sufficient to maintain continuity. Alternatively, religious groups may apply for recognition through existing religious groups, all of which are variants of Islam or Christianity. Official recognition conveys certain benefits, such as exemption from taxes 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, the groups were allowed to practice their faith without government interference, but the law did not recognize their marriages, divorces, and inheritances in the country.

Protestant evangelical churches are required to register with the Evangelical Synod, a nongovernmental advisory group that represents those churches to the Government. Representatives of some churches complained the Synod has refused to accept new members since 1975, thereby preventing their clergy from ministering to adherents in accordance with their beliefs.

Although the law stipulates anyone who “blasphemes God publicly” may face imprisonment for as long as one year, no prosecutions or arrests were reported under this law during the year.

The unwritten “National Pact” of 1943 stipulates the president, the prime minister, and the speaker of parliament be a Maronite Christian, a Sunni Muslim, and a Shia Muslim, respectively. The 1989 Ta’if 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 changes in religious status. On February 11, the MOI issued a circular informing citizens they would be allowed to remove their religious affiliations from their civil registry records. The MOI did not make public the number of persons who had taken advantage of this option during the year. Government documents refer to Jewish citizens as “Israelites” even though they are not Israeli citizens.

The law provides that only religious authorities may perform marriages, but the Government recognized civil marriage ceremonies performed outside the country.

Although there were no legal barriers to proselytizing, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity.

Societal Abuses and Discrimination.—Societal harassment and discrimination based on religious affiliation, belief, or practice occurred, often in relation to political events, and the Government failed to prevent or punish such actions.

During the year there were examples of Maronite religious leaders attempting to prevent evangelical Christians from proselytizing to other Christians and of Druze religious figures hindering Maronite missionary efforts.

At year’s end there were approximately 100 Jews living in the country and 6,000 registered Jewish voters who lived abroad but had the right to vote in parliamentary elections.

During the year Hizballah directed strong rhetoric against Israel and the Jewish population, and it cooperated in publishing and distributing anti-Semitic literature. Al-Manar TV, controlled and operated by Hizballah, continued to broadcast anti-Semitic material that drew no government criticism.

On November 5, the Government censored The Diary of Anne Frank from a textbook used by the International College. The action followed a campaign by Hizballah claiming the work promoted Zionism. Hizballah’s Al-Manar television channel ran a report condemning the book for focusing on the persecution of Jews.

On September 28, Khaled Shebli Khelo allegedly threw a Molotov cocktail at the Maghen Abraham synagogue, the last remaining synagogue in the country. Security authorities arrested Khelo the same day, and investigations into the incident were ongoing at year’s end.

During the year representatives from the Israeli Communal Council reported continued acts of vandalism against a Jewish-owned cemetery in downtown Beirut. The Government had not arrested or prosecuted suspects for these crimes as of year’s end.

For a more detailed discussion, see the 2009 International Religious Freedom Report at <http://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 for citizens but placed limitations on the rights of Palestinian refugees. The Government cooperated with the UN Relief and Works Agency for Palestinian Refugees (UNRWA), the UNHCR, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

The Government maintained security checkpoints, primarily in military and other restricted areas. On main roads and in populated areas, security services used a few police checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature. Government forces were unable to enforce the law in the predominantly Hizballah-controlled Beirut southern suburbs and did not typically enter Palestinian refugee camps.

According to UNRWA, Palestinian refugees registered with the MOI's Directorate of Political and Refugee Affairs (DPRA) may travel from one area of the country to another. However, the DPRA must approve transfer of registration for refugees who reside in camps. UNRWA stated the DPRA generally approved such transfers. The LAF granted Palestinian refugees residing in the area adjacent to the Nahr el-Barid camp permanent permits, which they must produce at the LAF checkpoint to enter the area.

The law prohibits direct travel to Israel.

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 as a consequence of the 1975-1990 civil war, the 2006 war, and the 2007 displacement of Palestinian refugees from the Nahr el-Barid camp. Many IDPs endured dangerous conditions, including lack of food, electricity, and potable water, during their displacement and after their return home. The Ministry of the Displaced paid compensation to IDPs to leave illegally occupied properties, removed debris from conflict-affected areas, provided rebuilding assistance, and initiated infrastructure projects. The High Relief Commission coordinated national international humanitarian assistance.

The World Bank and the Ministry of the Displaced estimated the civil war displaced 500,000 to 800,000 persons. The Government set a 2002 target date to complete returns, but as of 2002 an estimated 300,000 remained displaced. In 2006 the Government reported 17,000 persons remained displaced, but others estimated only 20 to 25 percent of the original number had returned home. Some IDPs displaced during the civil war have neither returned home nor attempted to reclaim and rebuild their property due to the hazardous social and economic situation in some areas.

According to the Internal Displacement Monitoring Center, at the height of the 2006 war between Israel and Hizballah, as many as one million persons fled their homes; approximately 735,000 were internally displaced, and approximately 230,000 fled to neighboring countries. According to government estimates, 90 percent of the IDPs returned home within four days of the ceasefire, but many homes had been destroyed, compensation was rarely sufficient for rebuilding, and unexploded ordnance restricted freedom of movement. In December 2008 the UNHCR estimated 40,000 to 70,000 such persons remained IDPs. UNRWA reported more than 20,000 Nahr el-Barid residents remained displaced at year's end.

During the year there were no substantiated reports the Government deliberately attacked or forcibly resettled IDPs or made efforts to obstruct access by domestic or international humanitarian organizations.

Protection of Refugees.—The country is not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status. As a result more than 70 percent of refugees registered with the UNHCR do not have any legal status and thus are liable to arrest for their illegal status. 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 account of their race, religion, nationality, membership in a particular social group, or political opinion.

Authorities repatriated refugees on a voluntary basis during the year. According to the UNHCR, domestic courts often sentenced refugees to one month's imprisonment and fines instead of deportation. Courts often referred to the Convention against Torture, to which the country is a party, which states no state party shall expel, return, or extradite a person to another state where there are substantial grounds for believing he or she would be in danger of being subjected to torture. After serving their sentences, most refugees remained in detention unless they found employment sponsors and the SG agreed to release them in coordination with the UNHCR.

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 as long as 12 months for those to whom the UNHCR accorded refugee status. The Government granted admission and temporary (six-month) refuge to asylum seekers, but not permanent asylum. The SG sometimes arbitrarily detained asylum seekers at its detention facility for more than a year and then deported them.

The second largest group of refugees in the country were Iraqis. At year's end 10,288 Iraqis were registered with the UNHCR. The UNHCR estimated 30,000 to

50,000 Iraqis were living in the country; many entered the country illegally in search of jobs, education, and security. Local NGOs and community workers estimated approximately 20,000 Iraqis were vulnerable and in need of assistance. During the year the Government provided limited services for Iraqi refugees but had no process for regularizing their status. The Government did not take action to provide a 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 the SG there were 16 detained Iraqis in the country at year's end. During the year the SG deported 183 illegal Iraqi immigrants to Iraq. From February 18 until June 18, the SG granted a grace period for illegal immigrants, during which period Iraqis could regularize their status. The SG allowed Iraqi detainees an additional three months to arrange for new sponsors in the country if they did not wish to return to Iraq.

By law Palestinian refugees are considered foreigners, although in several instances they are accorded poorer treatment than other foreigners due to the country's insistence on the principle of reciprocity, which is prejudicial to stateless Palestinians. 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 June 30, 421,993 UNRWA-registered Palestinian refugees were living in or near 12 camps throughout the country. The majority of Palestinian refugees were those displaced during the Arab-Israeli war of 1948 and their descendants. Additional Palestinians arrived in 1967 after the Six-Day War and in the 1970s after many were expelled from Jordan.

The amount of land allocated to official refugee camps in the country has only marginally changed since 1948, despite a four-fold increase in the registered refugee population. Consequently, most Palestinian refugees lived in overpopulated camps subject to repeated heavy damage during multiple conflicts. Poverty, drug addiction, prostitution, and crime reportedly prevailed in the camps, although reliable statistics were not available. In accordance with a 1969 agreement with the PLO, PLO security committees, not the Government, provide security for refugees in the camps.

During and after the 2007 fighting in Nahr el-Barid, which resulted in the displacement of an estimated 35,000 Palestinian refugees, LAF and ISF forces arbitrarily detained and physically abused some Palestinian refugees and citizens of other countries suspected of being militants. The LAF interrogated many men as they left the camp and detained those suspected of supporting or having information about FAI (see section 1.c.). FAI attacked members of international humanitarian organizations who attempted to enter the Nahr el-Barid camp to provide assistance. An FAI attack on a UN aid convoy claimed the lives of two Palestinian refugees. The Nahr el-Barid conflict caused multiple humanitarian concerns. Palestinian refugees and Lebanese displaced by the violence had no access to running water, sewage, or electricity for weeks. Refugees who left the camp were treated for dehydration, diarrhea, and stomach illnesses, and, due to security problems, UNRWA clinics in the camp were not fully functioning. The Government provided emergency relief with assistance from UNRWA, the international donor community, and humanitarian NGOs.

During the year there were reports 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.

At year's end 15,000 refugees had returned to areas adjacent to the camp. Displaced communities raised concerns about their security and freedom of movement, as security measures tightened in response to sporadic clashes in the northern part of the country. In June 2008 UNRWA, the Government, and the World Bank launched a comprehensive, three-year plan to rebuild Nahr el-Barid camp and surrounding communities. Reconstruction in the official camp began in November following bureaucratic and political delays.

According to human rights observers, Palestinian refugees faced severe restrictions in access to work opportunities. Few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. In 2005 the minister of labor issued a memorandum authorizing Palestinian nationals born in the country and registered with the MOI to work in 50 (out of 72) professions otherwise banned to foreigners. There were no indications this memorandum was implemented consistently. Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. Palestinian incomes continued to decline in real terms. Iraqi refugees also faced significant restrictions on their ability to work, with many working in the informal labor sector. Seventy percent of registered Iraqi refugees were men, who were particularly at risk for labor exploitation and deportation.

Palestinian refugees residing in the country were not able to obtain citizenship and were not citizens of any other country. Palestinian refugee women married to citizens were able to obtain citizenship and transmit citizenship to their children. Palestinian refugees, including children, had limited social and civil rights and no access to public health, education, or other social services. The majority relied entirely on UNRWA for education, health, relief, and social services. Children of Palestinian refugees faced discrimination in birth registration, and many reportedly had to leave school at an early age to earn income.

Iraqi refugees had access to both the public and private education systems. The UNHCR reported approximately 1,000 Iraqi children were registered in schools, and it provided grants to the children to help defray the costs associated with attending school. Iraqi refugees also had access to the primary health care system. The UNHCR, through NGOs, provided secondary health care.

Property laws do not explicitly target Palestinian refugees, but they bar persons who do not bear the nationality of a recognized state from owning land and property, which directly and effectively excludes Palestinians. Under this law Palestinians may not purchase property, and those who owned property before this law was issued in 2001 are prohibited from passing the property to their children. The parliament justified these restrictions on the grounds it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own limited-size plots of land.

Stateless Persons.—Citizenship is derived exclusively from the father, which may result in statelessness for children of a citizen mother and a noncitizen father when registration under the father's nationality is not possible.

Approximately 3,000 Palestinian refugees were registered neither with the UNRWA nor with the Government. Also known as undocumented, or non-ID, Palestinians, most moved to the country after the expulsion of the PLO from Jordan in 1971. Non-ID Palestinians were not eligible for assistance from UNRWA, faced restrictions on movement, and lacked access to fundamental rights under the law. The majority of non-ID Palestinians were men, many of them married to UNRWA refugees or citizen women, who could not transmit refugee status or citizenship to their husbands or children.

In January 2008 the Government agreed to grant a new legal status to non-ID Palestinians. By the end of 2008, the LPDC and UNRWA had facilitated the issuance of identification cards to 1,200 non-ID Palestinians. However, the process was suspended during the year, and all the cards issued have expired.

At year's end the MOI had not rendered a decision on the legal status of approximately 4,000 persons who stood to lose citizenship due to the State Consultative Council's 2003 decision to invalidate the 1994 naturalization decree, which naturalized several thousand Palestinians.

Approximately 1,000 to 1,500 of the 75,000 Kurds living in the country were 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 had been denied the right to citizenship to preserve the country's sectarian balance. The Government issued a naturalization decree in June 1994, but high costs and other obstacles prevented many from acquiring official status. Some held an "ID under consideration" that 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 peacefully in periodic, free, and fair elections based on universal suffrage; however, lack of government control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right in practice. Elections for parliament must be held every four years, and parliament elects the president every six years to a single term. The president and parliament nominate the prime minister, who, with the president, chooses the cabinet.

Elections and Political Participation.—On June 7, parliamentary elections were held in the 26 electoral districts. Observers concluded the elections were generally free and fair, with minor irregularities. In its final report, a EU observer team stated there were no major irregularities; that the elections benefited from legal improvements introduced in September 2008, such as an independent election commission, abolition of the voter card and multiday elections, and regulation of campaign finance and media; and voter turnout was higher than in previous elections, at almost 52 percent compared to 43 to 45 percent in 2005. The September 2008 electoral law also established out-of-country voting provisions for the 2013 parliamentary elections.

The cabinet must license all political parties. The Government scrutinized requests to establish political movements or parties and monitored their activities to some extent.

The political system is based on confessional affiliation, and parliamentary seats are allotted on a sectarian basis. There were four major, and numerous smaller, political parties. The larger, sectarian-based parties maintained the greatest influence in the country's political system, although a number of smaller parties existed or were in the process of forming.

There were significant cultural barriers to women's participation in politics. Prior to 2005 no woman held a cabinet position. One woman served as a member of the national unity cabinet formed in July 2008, and two women were appointed to the cabinet formed late in the year.

Minorities were able to participate in politics to some extent. Regardless of the number of its adherents, every government-recognized religion was given at least one seat in parliament. Three parliamentarians representing minorities (one Syrian Orthodox and two Alawites) were elected in the June elections. These groups also held high positions in the Ministry of Foreign Affairs and the LAF. As Palestinian refugees are not citizens, they have no political rights. An estimated 17 Palestinian factions operated in the country, generally organized around prominent individuals. Most Palestinians lived in refugee camps that one or more factions controlled. Refugee leaders were not elected, but there were popular committees that met regularly with the UNRWA and visitors.

Section 4. Official Corruption and Government Transparency

The Government provides criminal penalties for official corruption, but the penalties were seldom enforced, and government corruption was a serious problem. A September Transparency Lebanon report enumerated types of corruption in the country, such as systemic clientelism; judicial failures, especially in investigations of politically motivated killings; electoral fraud from the absence of preprinted ballots; and bribery. According to the report, all bureaucratic transactions are facilitated through the payment of bribes; in addition to regular fees, customers pay bribes of at least 60,000 pounds (\$40) for a new driver's license, 40,000 pounds (\$27) for car registration, and 4.5 million to 45 million pounds (\$3,000 to \$30,000) to get a residential building permit.

In its annual National Integrity System Study, the Lebanese Transparency Association (LTA) reported during the parliamentary elections LTA monitors witnessed vote buying through cash donations on election day in many electoral districts. LTA issued a press statement the day after the elections stating acts of vote-buying occurred in Metn, Zahle, Batroun, Zghorta, West Bekaa, and Saida. The report indicated the value of a vote reached from 90,000 pounds (\$60) to 150,000 pounds (\$100) in Saida, 1,300,000 pounds (\$800) in Zahle, and up to 4,500,000 pounds (\$3,000) in Zgharta.

On June 9, OTV broadcast a recording of a conversation between MP Michel Murr and Father Elias Akkary in which Murr asked Akkary to retrieve the preprinted ballots he had distributed on behalf of Murr's opponent or else face the secret services. Akkary had reportedly agreed to campaign for Murr but instead campaigned for Murr's opponent, MP Ibrahim Kenaan.

The law requires public officials to disclose their financial assets to the Constitutional Council, but the information was not available to the public. The Court of Accounts, the Central Inspection Department, the Office of the Minister of State for Administrative Reform, the Central Bank's Special Investigation Committee, and the Disciplinary Board were tasked with fighting corruption.

There are no laws regarding public access to government documents, and the Government did not respond to requests for documents.

Section 5. 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 overt government restriction and investigated and published their findings on human rights cases. Domestic human rights groups included the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, the Beirut Bar Association's Institute for Human Rights, and the National Association for the Rights of the Disabled. Government officials generally cooperated with NGOs, but following the 2007 Nahr el-Barid conflict, the Government obstructed a monitoring visit to the camp conducted jointly by several international and domestic NGOs, including HRW, ALEF, the Palestinian Human Rights Organization, and the Palestinian Foundation for Human Rights.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and other international bodies such as the ICRC. On May 27, the ICRC released its 2008 annual report on its activities in the country. On April 22, the UN Special Coordinator for Lebanon wrote a letter to the parliamentary human rights committee reviewing his discussion with members about civil, political, economic, and social rights, including those of refugees, and reporting on treaty obligations.

Parliament's Committee on Human Rights made little progress due to the absence of a government for most of the year. At year's end there was no evidence that the committee had begun implementing the existing national action plan calling for legal changes to guide ministries on protecting specific human rights and the implementation of certain measures, such as improving prison conditions.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and it provides for equality among all citizens. 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 for persons with disabilities, there were few accommodations for them. Discrimination based on race, language, or social status is illegal, but foreign domestic employees 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 the law. The minimum prison sentence for a person convicted of rape is five years, or seven years for raping a minor. Although the law does not provide for it, victims' families may offer rapists marriage as an alternative to preserve family honor. Spousal rape was not criminalized. According to the local NGO KAFA (Enough) Violence and Exploitation, nonspousal rape was relatively common. KAFA reported 80 percent of domestic violence victims suffered spousal rape as well. Although there were no official statistics on the number of abusers who were prosecuted, prosecution was rare, according to KAFA.

The law does not specifically prohibit domestic violence, and domestic violence, including spousal abuse, was a problem. There were no authoritative statistics on its extent. Despite a law that sets a maximum sentence of three years in prison for battery, some religious courts may legally require a battered wife to return to her home despite physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures. Foreign domestic servants, usually women, were often mistreated, abused, and in some cases raped or placed in slavery-like conditions (see section 7.c.).

The Government provided legal assistance to domestic violence victims who could not afford it, but in most cases police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence against Women, worked to reduce violence against women by offering counseling and legal aid and raising awareness about the problem. From January to September, KAFA assisted 98 victims of domestic violence.

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 he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, although the penal code stipulates murder is punishable by either a life sentence or death, a defendant who can prove the killing was an honor crime receives a commuted sentence of a maximum of seven years' imprisonment. According to a March 2008 Agence France Presse article, although honor crimes were not widespread in the country, every year men killed a number of female relatives under the pretext of defending family honor.

The law on prostitution requires brothels be licensed, including regular testing for disease. Government policy was to reject all new license requests for brothels in an attempt to eliminate prostitution; consequently most prostitution in the country was unlicensed and unregulated. The SG closely monitored women working in adult clubs. Foreign women's residency permits did not exceed six months, and they were deported if they were caught overstaying their permits.

The law prohibits sexual harassment, but 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.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There are no legal prohibitions or governmental encumbrances to equal access under the law for reproductive health care products or services, although the most advanced clinics and practices were in the larger metropolitan areas. The Government provided free hospital treatment and free antiretroviral drugs for all persons living with HIV/AIDS.

Women suffered discrimination under the law and in practice.

Many family and personal status laws, which varied widely across the various confessional court systems, discriminated against women. For example, Sunni civil courts apply an Islamic inheritance law that provides a son twice the inheritance of a daughter. Immigration law also discriminates against women, who may not confer citizenship on their spouses and children, except widows may confer citizenship on their minor children. By law women may own property, but they often ceded control of it to male relatives due to cultural reasons and family pressure. The law provides for equal pay for equal work for men and women, but in the private sector there was discrimination regarding the provision of benefits.

Children.—Citizenship is derived exclusively from the father, which may result in statelessness for some children of a citizen mother and noncitizen father (see section 2.d.).

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. Children of citizen mothers and Palestinian fathers were not granted citizenship. According to the Government Higher Council for Childhood, although Palestinian refugee births were not officially registered, the General Directorate for Palestinian Refugees in Lebanon, which falls under the MOI, maintained birth figures.

Iraqi, Sudanese, and Somali refugee children and children of foreign domestic workers also faced obstacles to equal treatment under the law, and NGOs reported ongoing discrimination against them, although some could attend school. According to an October 2008 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 a child who is already registered in a school to have residency. Many children of domestic workers faced marginalization and racism because of their parents' social status. No accurate statistics on the number of such children born in the country existed at year's end, although Caritas estimated there were approximately 75 children.

In a joint KAFA-Save the Children Sweden study released in October 2008, 16 to 20 percent of children eight to 17 years old admitted experiencing at least one form of sexual abuse at an average age of 10 years. The survey also showed most sexual abuse occurred at home, and 54 percent of the sexually abused children said they told someone about the abuse, most commonly their mother. Focus group discussions revealed a lack of knowledge about the prevalence of, or factors leading to, child sexual abuse; and also indicated gender bias in addressing such cases, as girls' experiences were treated with greater secrecy.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons. However, the country was a destination and transit point for trafficked persons, and there were reports persons were trafficked to and through the country. The Government may prosecute traffickers under criminal law on abductions. Trafficking in persons remained a problem during the year.

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 intimidation or coercion and restrictions on freedom of movement.

The country was also a destination for women from Africa and Asia, usually contracted as domestic workers. Some of these workers found themselves in situations of involuntary servitude including restrictions on movement, withholding of passports, nonpayment of wages, threats, and physical or sexual assault, with little practical legal recourse.

Children were trafficked within the country for forced labor (mostly street vending) and sexual exploitation.

A high percentage of traffickers were employers and employment agencies.

Some foreign women became illegal workers due to their employer's failure to renew their work and residency permits or because they fled from their employer. The 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 ac-

cused an employee of theft as a pretext to relinquish their contractual responsibilities to their employees and their obligation to pay taxes and provide a return airline ticket.

At year's end 100 Ethiopian women were in detention awaiting trial for not having passports. The women claimed their passports had been taken from them when they started as domestic workers or that they never had passports. Authorities arrested most of the women on the street after they fled from their employers. Breaking their contracts deprived them of a guaranteed flight home on completion of their work.

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 under this law during the year. NGOs and foreign embassies reported many victims of exploitation and abuse preferred quick administrative proceedings, which resulted in monetary settlements and repatriations, rather than legal proceedings that were often lengthy and difficult. Victims frequently dropped cases before prosecution was completed in exchange for compensation. A small number of exploited foreign workers won cases against their employers, but nonjudicial action resolved the majority of 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, MOJ, and Ministry of Labor (MOL) have responsibilities for combating trafficking. The MOL regulates local employment agencies that place migrant workers with sponsors. In 2008 the MOL closed two employment agencies for violations of workers' rights, including physical abuse, and warned a number of others it found in noncompliance with MOL regulations. The Government did not provide trafficking victims with shelter, legal, medical, or psychological services, or relief from deportation. The SG allowed Caritas social workers unrestricted access to its retention center for foreign persons to provide detainees with counseling, assistance, and legal protection. The SG also continued to refer potential victims to Caritas. Once victims were identified, the Government transferred them to a "safe house," and Caritas could assist them. The SG sometimes granted victims permission to remain in the country as long as two months to assist in investigation of their cases and prosecution of their abusers.

The SG allows migrant workers who do not wish to be repatriated to their home countries to change their sponsors legally by means of 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 action may be part of a negotiated out-of-court settlement.

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

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 stipulates at least 3 percent of all government and private sector positions be filled by persons with disabilities, provided such persons fulfill the qualifications for the position; however, there was no evidence the law was enforced in practice. The law mandates access to buildings by persons with disabilities, but the Government failed to amend building codes. Many persons with mental disabilities were cared for in private institutions, several of which the Government subsidized.

A study by the UN Development Programme in 1990, just after the end of the civil war, estimated one in 10 citizens—as many as 300,000 individuals—had disabilities, but the Ministry of Social Affairs had registered only 70,000 persons for official disability cards at year's end.

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 on disabilities was passed in 2000. Approximately 100 relatively active but poorly funded private organizations made most of the efforts to assist persons with disabilities.

On May 13, the MOI issued a decree to ensure accessibility to polling stations for persons with special needs during the June parliamentary voting. Following the decree the Lebanese Physically Handicapped Union, sponsored by the International Foundation for Election Systems, conducted a study mapping 1,741 polling stations throughout the country and assessed them according to the ministry's six accessibility criteria. The study showed that only six polling stations out of 1,741 satisfied all six criteria.

National/Racial/Ethnic Minorities.—There were reports Syrian workers, usually employed in manual labor, continued to suffer discrimination following the 2005 withdrawal of Syrian forces, although to a lesser extent than in previous years. According to an IRIN report, many Syrians in the country have been attacked, robbed, beaten, and sometimes killed over the past four years.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Discrimination against homosexual activity persisted during the year. The law prohibits “unnatural sexual intercourse,” an offense punishable by up to one year in prison. The law was sometimes applied to men engaging in homosexual activity; it was rarely applied to women, although the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for Lesbians, Gays, Bisexuals, and Transgenders) reported police used the law to blackmail women.

At year’s end Helem reported on December 3, a judge in the Batroun District rendered the first decision determining “unnatural sexual intercourse” does not apply to homosexual activity, which he ruled a part of nature.

Meem, the first NGO in the country exclusively for nonheterosexual women, hosted regular meetings in a safe house, provided counseling services, and carried out advocacy projects for nonheterosexual women.

On February 25, Helem organized a demonstration in Beirut to protest an attack by security forces against two gay men (see section 1.c.) and against the homophobic provisions of the law. On May 10 and on May 17, the International Day Against Homophobia, Helem in coordination with Meem and Gay-Straight Alliance organized gay rights demonstrations. The Government permitted these demonstrations, and there was no violence from any source reported against the demonstrators.

Other Societal Violence or Discrimination.—Although there are no discriminatory laws, Helem reported during the year at least five HIV-positive individuals reported discrimination by dentists or hospital staff.

Section 7. Worker Rights

a. The Right of Association.—The law allows all workers except government employees to establish and join unions with government approval, and workers exercised this right in practice. The MOL must approve the formation of any union. The MOL controlled the conduct of 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 General Labor Confederation (GLC), the umbrella organization for trade unions, estimated 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, but the MOL at times interfered in union elections and registered unions not considered representative by the GLC. Unions have the right to demonstrate, with advance notice and approval by the MOI.

Most unions belonged to federations. There were 52 federations that were voting members of the GLC, six of which the judiciary declared illegal in 2007 because they had failed to obtain the required GLC general directorate majority vote, although at year’s end they remained members. Many others were reportedly unrepresentative and created by political interest groups to offset the votes of the 13 established labor federations that represent workers. The GLC remained the only organization the Government recognized as an interlocutor for workers, while approximately 13 federations that composed the “Salvation Committee of the GLC” no longer participated in GLC meetings but had not declared an official breakaway at year’s end.

Palestinian refugees may organize their own unions. 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 law protects the right of workers to organize and to bargain collectively, and the Government supported this right in practice. Most worker groups engaged in some form of collective bargaining with their employers. There is no government mechanism to promote voluntary labor-management negotiations. The law protected workers against antiunion discrimination, although the law was weakly enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, but 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. Children from Lebanon, Iraq, and Syria were most subject to forced labor.

Government regulations also prohibited employment agencies from withholding foreign workers' passports for any reason. In practice employment agencies and household employers often withheld domestic workers' passports. Recruitment agencies and employers were required to sign employment contracts with foreign workers. On February 5, the MOL published a standardized contract to be used by all employment agencies locally and overseas for all domestic workers. It regulates working hours and stipulates workers be given days off for vacations and holidays. According to NGOs assisting migrant workers, some employers did not pay their workers regularly and some withheld their salaries for the duration of the contract, which was usually two years. Asian and African female workers especially had no practical legal recourse because of their low status and isolation and because labor laws did not protect them. Due to the prevalence of such abuse, the Government prohibited foreign women from working if they were from countries without diplomatic representation in the country.

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 between five and 14 years old were involved in child labor. The International Labor Organization (ILO) estimated there were 100,000 child workers, of whom 25,000 were thought to be in the tobacco industry, and a large percentage worked in informal sectors of the economy, including construction, agriculture, mechanics, and fisheries. Street children worked selling goods, polishing shoes, and washing car windows. Traffickers used children for commercial sexual exploitation and work under hazardous conditions in sectors, such as metalwork, construction, automobile repair, welding, and seasonal agriculture.

The minimum age for employment is 14 years old. The law requires juveniles, defined as children between 14 and 18 years of age, undergo a medical exam to ensure their fitness for a particular position before beginning work. The labor code prohibits employment of juveniles younger than 18 years old for more than six hours per day and requires one hour of rest if work is more than four hours. Juveniles younger than 17 years old are prohibited from working in jobs that jeopardize their health, safety, or morals, or working between the hours of 7 p.m. and 7 a.m. The law prohibits the employment of juveniles younger than 16 years old in industrial jobs or jobs physically demanding or harmful to their health.

The MOL enforced these requirements through its Child Labor Unit, established in 2001 in cooperation with the ILO. Enforcement improved during the year, as the unit worked to train its inspectors and recruit new ones. At year's end the MOL employed approximately 130 labor inspectors and assistant inspectors who helped to enforce child labor laws. The Higher Council of Childhood provided education to families and children to help prevent child abuse.

e. Acceptable Conditions of Work.—The legal minimum wage was 500,000 pounds (\$333) per month, which did not adequately provide a decent standard of living for a worker and family. The minimum wage for the private sector is set by the council of ministers; the minimum wage for the public sector is also set by the council of ministers, but requires additional approval from parliament.

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 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 the overtime provided is 50 percent higher than the pay for other 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 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 did not register them with the National Social Security Fund (NSSF). Employers sometimes registered their employees with lower salaries, to decrease their contributions to the NSSF and their end-of-service pay to the employee. Some companies did not respect legal provisions governing occupational health and safety. Workers may report violations directly to the GLC,

MOL, or NSSF. In most cases they preferred to remain silent for fear of arbitrary dismissal.

The law does not protect foreign domestic workers. Some employers mistreated, abused, and raped foreign domestic workers, who were mostly of Asian and African origin, or placed them 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 the nationality of the worker. Victims of trafficking or abusive labor may file civil suits or seek legal action, but most victims, counseled by their embassies or consulates, settled for an administrative solution that usually included monetary compensation and repatriation. The Government did not release information on legal actions filed, but NGOs indicated fewer than 10 legal actions were undertaken during the year. On December 9, a criminal court judge in Batroun sentenced a woman who beat her Filipino domestic worker to 15 days in prison, a fine of 50,000 pounds (\$33), and 10,800,000 pounds (\$7,200) in compensation. The victim was in the Philippines when the verdict was announced, and the judge refused the request of the citizen woman to bring the victim before the court.

In 2008 the MOL closed two employment agencies for violations of workers' rights, including physical abuse. Perpetrators of the abuses were not further prosecuted for a number of reasons, including the victims' refusal to press charges and 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 they returned to their home countries.

LIBYA

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately 6.3 million, ruled by Colonel Mu'ammar al-Qadhafi since 1969. The country's governing principles are derived predominantly from 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. After elections in March 2009, Secretary of the General People's Committee al-Baghdadi al-Mahmoudi (prime minister equivalent) and the delegates of the 760-member General People's Congress began three-year terms. In practice al-Qadhafi and his inner circle monopolized all positions of leadership and political power. Security forces reported to civilian authorities.

Citizens did not have the right to change their government. Continuing problems included reported disappearances, torture, arbitrary arrest and imprisonment, lengthy pretrial and sometimes incommunicado detention, official impunity, and poor prison conditions. Denial of fair public trial by an independent judiciary, detention and imprisonment of persons on political grounds, and the lack of judicial recourse for alleged human rights violations were also serious problems. The Government significantly restricted media freedom and continued to restrict freedom of speech (including Internet and academic freedom). It continued to severely impede the freedom of assembly, freedom of association, and civil liberties. The Government did not protect the rights of migrants, asylum seekers, and refugees, and in some cases participated in their abuse. Other problems included restrictions on freedom of religion; corruption and lack of transparency; 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.—There were no confirmed reports that the Government or its agents committed arbitrary or unlawful killings.

In May 2009 the Tripoli newspaper Oea reported that Ali al-Fakheri (also known as Ibn al-Sheikh al-Libi) had been found dead in his cell in Abu Salim Prison from an apparent suicide and that the General Prosecutor's Office (GPO) had begun an investigation. The nongovernmental organization (NGO) Human Rights Watch (HRW) had met briefly with al-Fakheri during a visit to the prison in April 2009, but he refused to be interviewed. In a May 2009 statement, HRW called on authorities to conduct a full and transparent investigation. The NGO Amnesty Inter-

national (AI) visited Abu Salim prison after al-Fakheri's death in May, but authorities denied access to his guards, forensic doctors, and the autopsy report. At year's end no results of the GPO investigation had been made public.

There were no developments in the case of Mohammed Adel Abu Ali, who died in custody in 2008 after his return to the country when his asylum claim was denied in Europe. According to HRW, he was tortured in detention. London-based As-Sharq Al-Awsat reported that he belonged to the oppositionist "al-Tabu" Front for the Liberation of Libya.

b. Disappearance.—In mid-February authorities released Abdulrahman al Qutiwi, whom security forces had arrested in 2007, along with others who appeared subsequently in court to face criminal charges of attempting to foment rebellion and conducting unauthorized communications with a foreign government. During his detention authorities did not bring al-Qutiwi to trial and kept him in incommunicado detention with his whereabouts unknown.

In November the families of Izzat Yousef al-Maqrif and Jaballah Matar, who disappeared in Cairo in 1990, filed cases with the UN Human Rights Committee. Al-Maqrif and Matar were prominent members of the National Front for the Salvation of Libya, a political opposition group. Human rights organizations report that Egyptian authorities arrested al-Maqrif and Matar and transferred them to Libyan custody, where they were held in Abu Salim prison. Their families requested information regarding their status or confirmation of their death from the Government, but at year's end no information had been made available.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but security personnel reportedly tortured and abused detainees and prisoners routinely during interrogations or as punishment. In December 2009 the Qadhafi International Charity and Development Foundation (QDF), an NGO founded and chaired by Muammar al-Qadhafi's son, Saif al-Islam al-Qadhafi, that is registered in Switzerland with executive offices in Tripoli, released a report on human rights practices in the country. In a statement accompanying the release, the QDF said during the year it had recorded "several flagrant violations" and received a "large number of complaints" of torture during imprisonment and called for the Government to waive immunities from prosecution for officials accused of torture.

There were reports of torture and abuse during the year. On July 2, HRW reported that guards had beaten members of a group of more than 300 Eritreans detained on charges of illegal immigration.

In previous years 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; beatings on the soles of feet; being suspended by the arms; and denial of medical treatment.

The law sanctioned corporal punishments such as amputation and flogging; no official cases were available for citation that such punishments were carried out.

No further information was available at year's end concerning the 2008 alleged abduction, interrogation, and torture of lawyer Dhaw al-Mansuri.

In July Saif al-Islam al-Qadhafi conceded publicly that acts of torture and excessive violence had taken place in prisons. In a 2009 meeting with HRW, Ministry of Justice officials complained that they were denied permission from the Ministry of Public Security to prosecute members of the Internal Security Organization (ISO) for alleged crimes committed within ISO-run prisons as well as arbitrary detentions outside of official detention centers.

In April 2009 Ashraf Ahmad Jum'a al-Hajuj drew attention to his suit against the Government at a preparatory meeting for the Durban Review Conference, chaired by Libyan diplomat Najjat al-Hajaji. Al-Hajuj, a Palestinian doctor, was arrested in 1999 on charges that he and five Bulgarian nurses working in Benghazi infected hundreds of children with HIV. In 2008 he filed suit in France and at the UN Human Rights Commission in Geneva, arguing he was tortured repeatedly in detention. According to his testimony, the torture included rape by a German shepherd, fingernails ripped off, and electric shocks. He also testified that he was present when the Bulgarian nurses detained with him were tortured. He said most of the torture occurred during the early period after his imprisonment in 1999. At year's end the case was awaiting further action in a French court.

Prison and Detention Center Conditions.—According to diplomatic missions and international organizations, prison and detention center conditions ranged from poor

to adequate. HRW and AI visited prisons during study tours in April and May 2009 respectively, but authorities did not allow full access to prisoners or facilities. During the year a United Kingdom-based NGO implementing a prison reform program in partnership with the General People's Committee for Justice had periodic access to some facilities. International organizations had some access to migrant detention centers throughout the country, but that access was restricted after an increase of at-sea interdiction of migrants, begun in May, led to severe overcrowding in the centers. Pretrial detainees, who reportedly accounted for more than half of the prison population, remained in the same facilities as convicts.

There were effectively two prison systems in the country: one administered by the Ministry of Justice, and a second administered by security services. The security services administered Ain Zara and Abu Salim prisons, which housed approximately 500 prisoners at year's end, according to the Human Rights Society of Libya. Diplomats and foreign observers were allowed access to the Ministry of Justice prisons but were denied access to the security service prisons.

In 2009, according to HRW, the minister of justice proclaimed that there were approximately 500 prisoners who had served their sentence or been acquitted by the courts but remained imprisoned under ISO orders. According to press reports, the minister asked to be relieved of his duties in light of his inability to enforce court orders to liberate acquitted prisoners, but he subsequently retained his position. HRW reported that the ISO head confirmed in December 2009 that his agency was detaining 330 prisoners who had completed their sentences or whom courts had acquitted, with no apparent legal authority to keep them in detention.

In a September 2009 report, consultants from King's College of London reported that between 12,000 and 15,000 inmates were held in 34 prison establishments in the country. The consultants reported that the prisons often were overcrowded. Periodic mass releases served to reduce pressure on prison facilities. Individual prison directors were unable to provide population estimates of their own prisons, and centralized records were not kept, according to prison authorities. Men and women were held in separate prisons and detention centers. Juvenile migrants generally were held with mothers while in detention.

Based upon periodic visits to some Ministry of Justice detention facilities, foreign observers reported that prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and investigated credible allegations of inhumane conditions. In some cases there was retaliation for complaints of prison conditions. In November 2009 authorities summoned Jamal al-Haji to a state security court and detained him for filing complaints of inhumane treatment during a previous detention.

In contrast to Ministry of Justice facilities, access to prisons maintained by state security services, such as Ain Zara and Abu Salim, was tightly controlled. Security forces reportedly subjected prisoners and detainees to cruel, inhuman, or degrading conditions and denied them adequate medical care. Prisoners did not have reasonable access to visitors, and there was no transparent, credible system for submitting complaints or investigating allegations of inhumane conditions in these prisons.

The Ministry of Justice worked with the QDF to identify and release prisoners who had been acquitted or had served their sentences, and in March the Ministry of Justice announced the release of 80 prisoners who had been acquitted, followed by the release in August of 37 prisoners who had been acquitted. However, observers and government officials noted that several hundred remained in custody.

The Government did not allow independent monitoring of prison conditions by independent NGOs, the media, or international human rights groups. There was not a credible ombudsman who could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

There was scant public information about conditions inside prisons.

The International Committee of the Red Cross did not have an office in the country, although it monitored prison conditions in the country from its regional office in Tunis, Tunisia. During the year prosecutors and directors of several migrant detention centers participated in training sessions implemented by the International Organization for Migration on prison conditions and reform.

In September 2009 the minister of defense-equivalent Abubakr Yunis Jabir appointed Muhammad Bashir al-Khadhar to head an inquiry into the 1996 Abu Salim prison riot, in which a large but unknown number of prisoners died. Yunis stated that the inquiry would be empowered to imprison any officials found guilty of

wrongdoing. Press reports indicated the families of victims approved the appointment. The minister of justice reported to HRW in April 2009 that previous investigations had resulted in an estimated 800 families receiving certificates confirming death, but officials did not provide bodies or explain the causes of death, through mid-July. According to HRW, authorities offered compensation of 200,000 dinars (\$166,666) to the family of each victim if the family agreed to halt legal proceedings.

Family members of some of the victims reportedly killed in the 1996 incident attended the December 2009 launch of HRW's report on the country, where several family members repeated their rejection of compensation offers and demanded that responsible officials be brought to justice.

d. Arbitrary Arrest or Detention.—The criminal code establishes procedures for pretrial detention and 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. Security services detained individuals without formal charges and held them indefinitely without court convictions.

On April 14, the Government released political dissident Jamal al-Hajj, arrested in December 2009 on charges of criminal defamation after he criticized the Ministry of Justice for his treatment as a political prisoner between 2007 and 2009.

In January 2009 police arrested former secretary general of the Human Rights Society and QDF advisor Juma'a Atiga and charged him with being a member of a banned organization and participating in the killing of the Libyan ambassador in Rome in 1984. According to press accounts, Atiga was released after two weeks' detention.

There were no developments reported in the case of regime critic Fouad Nassar al-Mahmoudi. In 2007 security services detained al-Mahmoudi upon his return from a long stay abroad and reportedly placed him 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 AI report. During an April 2009 visit to Abu Salim prison, HRW unsuccessfully requested a meeting with Boushima.

Role of the Police and Security Apparatus.—The country maintains an extensive security apparatus that includes police and military units, multiple intelligence services, local "revolutionary committees," people's committees, and "purification" committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities and everyday lives of individuals. In theory military and internal security forces are under direct civilian control under the *Jamahiriya*, or "sovereignty of the masses" system. In practice an inner circle of elites close to al-Qadhafi wields total control and uses security services to protect regime interests. The legal basis of security service authority is unclear; citizens have no obvious recourse against security services. Frequently cited laws are the 1971 and 1972 "Protection of the Revolution" laws, which criminalize activities based on political principles inconsistent with revolutionary ideology.

The police and the ISO share responsibility for internal security. Armed forces and the External Security Service are responsible for external security. In practice it was unclear where authorities overlapped. Security forces were effective when combating internal and external threats against the regime. Security forces committed serious human rights abuses with impunity, including the lengthy extralegal detentions of political prisoners. They intimidated, harassed, and detained individuals without formal charges and held them indefinitely without court convictions, particularly in cases involving the political opposition. They regularly enjoyed impunity from criminal acts committed while performing their duties.

In 2008 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. There were reports that between 11 and 30 civilians were killed in the fighting.

In April AI reported that armed security personnel had forced evictions of Toubou tribespeople in Kufra and demolished their houses. AI also reported that Toubou tribespeople had alleged that authorities prohibited their children from attending school and refused to register the birth of Toubou children. Between November 2009 and April, dozens of Toubou were arrested after attempting to stop the demolitions, according to AI, and those who resisted were reportedly beaten with sticks.

Arrest Procedures and Treatment While in Detention.—The law stipulates that authorities can obtain permission to detain persons for investigation without charge for as long as eight days after arrest. In practice security services at times held detainees indefinitely, arbitrarily, and secretly. Although the law requires that detain-

ees be informed of the charges against them, the requirement was not enforced in practice. The law states that for a detention order to be renewed, 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.

The law provides for bail, access to counsel for pretrial detainees, and a public defender for anyone unable to afford a private attorney. However, 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. There were reports of nationals and foreigners detained without charge by the ISO. In November a British-Ghanian citizen filed suit in a London court claiming that the ISO had detained him incommunicado in a small cell for approximately four months. He charged that his captors threatened him with “disappearance,” beat him, and force-fed him narcotics.

According to a June 2009 HRW report, migrants in Malta and Italy reported that authorities in Libya had subjected them to long periods of detention without recourse.

The law allows women and girls, some of whom were victims of gender-based or domestic violence and who were suspected of violating moral codes, to be detained in “social rehabilitation” facilities. They could be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could be released only to their families, often the source of the threat to their safety. Women sometimes were subjected to forced marriage to strangers. HRW, which initially highlighted this phenomenon in a 2006 report, said the practice continued.

Amnesty.—The Government regularly releases some prisoners to mark religious holidays. On August 31, as part of the annual Revolution Day commemoration, the Government reportedly pardoned 1,189 prisoners who had served at least half of their sentence, according to the Supreme Judicial Council.

On March 24, authorities released from Abu Salim prison 214 prisoners, including prisoners held for membership in the Libyan Islamic Fighting Group (LIFG) and other jihadist groups. On August 31, authorities released an additional 37 prisoners from jihadist groups. In 2009 the LIFG stated that its 2007 merger with al-Qaida in the Islamic Maghreb was “invalid” and renounced violent jihad.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but the judicial system was not independent in practice. Although the law stipulates that every person has the right to resort to the courts, security forces had the authority to sentence without trial, particularly in cases involving the political opposition. The Government used summary judicial proceedings to suppress domestic dissent. At his discretion al-Qadhafi and his close associates may interfere in the administration of justice by altering court judgments, replacing judges, or manipulating the appeal system. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment. In December 2009 the Ministry of Justice reported to HRW that disagreements between the judiciary and the ISO led to unfair trials and detention. The ministry reported that hundreds of prisoners that had been acquitted or had served their sentences remained in prison due to differences in the two responsible ministries, and it worked to release several hundred such prisoners. According to HRW an estimated 117 prisoners had been released during the year, and approximately 200 remained in prison. Early in the year, the Ministry of Justice established a review committee to compensate victims of wrongful imprisonment. According to the Ministry of Justice, the committee began to disburse compensation payments to victims, and families of victims, of wrongful imprisonment in August.

Trial Procedures.—The law provides for the presumption of innocence, informing defendants of the charges against them, and the right to legal counsel. Independent counsel was not always provided in practice. The presiding 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. There were cases during the year in which officials did not present defendants with the charges against them until trial, and defendants did not always have access to evidence against them before trial.

In November HRW, al-Karama, and the human rights NGO Track Impunity Always (commonly known as TRIAL) reported that they had obtained documents showing the ISO blocked a prosecutor’s investigation into the role of security services officers in the 2006 death in detention of Ismail al-Khazmi. Authorities reportedly took Al-Khazmi from his workplace in 2006 and tortured him in a Tripoli pris-

on. Authorities acknowledged his death one year later but did not provide information about the time and circumstances. The Government did not conduct a transparent inquiry into al-Khazmi's death.

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 inconsistent with the principles of the 1969 revolution, in effect banning all political parties.

On March 24, the Government reportedly released 214 political detainees from the Abu Salim prison, including those associated with banned Islamic groups, as part of a joint government-QDF terrorist rehabilitation program. On August 31, authorities released an additional 37 prisoners who were alleged members of jihadist groups who had undergone the terrorist rehabilitation program. Foreign observers reported that Ayn Zara and Abu Salim prisons at the end of the year housed an estimated 400 to 500 prisoners. In a 2009 report, HRW claimed dozens of political prisoners remained in jails. In 2008 human rights organizations and foreign diplomats speculated that there were 2,000 political detainees, many held for years without trial. Hundreds of other detainees may have been held but for periods too brief to permit confirmation by outside observers.

On April 14, the Government released political dissident Jamal al-Haji after several months' imprisonment. He had publicly held the Government responsible for the 2009 death of Fathi al-Jahmi and had alleged torture of himself during his previous two-year imprisonment for "attempting to overthrow the political system" and "communication with enemy powers."

Geneva-based Solidarity for Human Rights, which describes itself as an independent human rights NGO, reported that Muhammad Bosadra, a prisoner who reportedly negotiated with guards during the 1996 Abu Salim Prison riots, had been transferred from prison and put under house arrest after his release from Abu Salim Prison in June 2009. He had been held incommunicado since 2005.

In March authorities released Abdelnasser Al-Rabbasi, according to HRW. He had been jailed in 2003 and sentenced to 15 years' imprisonment for submitting a short story on corruption to the Arab Times. According to the human rights group al-Karama, he was initially held incommunicado for several months after his arrest and tortured by the ISO.

In May 2009 political activist and al-Qadhafi critic Fathi al-Jahmi died in Jordan. Government authorities had held him in solitary confinement without adequate medical care before transferring him to Tripoli Medical Center and then releasing him from custody and sending him to a hospital in Jordan in May. He was released from jail in a coma and in grave medical condition and died 17 days later. With the exception of two weeks in 2004, the regime had continuously detained al-Jahmi since 2002 for publicly calling for democratic reforms and for giving media interviews criticizing the regime. According to HRW the Government contended that 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.

Civil Judicial Procedures and Remedies.—Citizens did not have access to courts to seek damages for or demand cessation of human rights violations, although some released political prisoners were able to seek compensation through the court system. In August the Ministry of Justice announced it would pay compensation to released prisoners for wrongful detention commensurate to time served. The ministry declared that such released prisoners would receive an estimated 2,000 dinars (\$1,600) for each month of imprisonment. Separately the Human Rights Society said it was assisting the Government in the rehabilitation of released former members of extremist groups by offering a stipend, mentoring, and a return to prior employment.

Security services intimidated, harassed, and detained individuals extralegally and without judicial oversight. In practice individuals did not have the right to seek redress for security service actions in civil court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, 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. There was also physical surveillance of political activists and foreign organizations.

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 “cooperated” 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. According to HRW some family members of victims of the 1996 Abu Salim prison killings reported that security services questioned them after they attended an HRW-hosted event in 2009.

There were no reports of application of the “purge law” that provides for the confiscation of private assets greater than 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 freedom of speech and the press is severely limited, particularly criticism of government officials or policy. There are provisions in the penal code that criminalize “insulting public officials.” The Government tolerated some difference of opinion within governmental structures in people’s committee meetings and at the General People’s Congress. The Publication Act allows the Government to silence critics through slander and libel provisions.

The Government prohibited all unofficial political activities as well as most forms of political speech or expression. The wide reach of security services and broad networks of informants resulted in pervasive self-censorship.

In August 2009 the NGO Committee to Protect Journalists called for a credible and transparent inquiry into the reported 2007 trial and sentencing to death of three unnamed individuals for the 2005 killing of Daif al-Ghazal, a prominent opposition journalist and anticorruption activist.

The Government owned and controlled virtually all print and broadcast media. The official news agency, the Jamahiriya News Agency, is the designated conduit for official views. Government-controlled media neither published nor broadcast opinions inconsistent with official policy. In 2008 the quasi-official al-Ghad 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 the NGO Reporters without Borders (RSF), most of the journalists at these newspapers also worked for official media outlets, and the newspapers were printed on government presses. Local revolutionary committees in line with government opinion published several small newspapers.

In 2009 the Government nationalized all privately owned news media. Al-Ghad newspapers Oea and Quryna suspended printing in January and resumed in July. The National Organization for Libyan Youth, an organization affiliated with al-Ghad, criticized the decision and said the Government’s General Press Authority refused to print the two newspapers because of “unauthorized” reports of future appointments to the General People’s Congress.

On November 4, Secretary of the General People’s Committee al-Baghdadi al-Mahoudi again suspended printing of Oea after the newspaper published reports that al-Baghdadi would lose his government position. Local press reported that during the next two days police arrested 20 journalists working for al-Ghad and detained them for several days. Al-Mutawassit, an al-Ghad television station, began broadcasting from London in August 2009 but within days ran al-Jamahiriyah programming in simulcast, ostensibly due to financial difficulties. In August the channel resumed original programming after a year-long hiatus, and at year’s end it was broadcasting from London.

According to HRW and AI, the ISO routinely harassed journalists, and overly broad provisions of the penal code served as the basis for frequent charges of criminal defamation.

On February 17, authorities arrested four journalists working for Radio Benghazi program Massaa al-Kheir Benghazi (Good Evening Benghazi) and held them overnight, according to RSF. The program focused on exposing local government corruption as well as discussing politically sensitive issues such as the Abu Salim prison massacre. The station’s director took the program off the air, dismissed the four journalists, and banned them from the station’s premises.

Some outlets in Tripoli had limited quantities of international weekly publications. Although the publications law restricts publishing rights to public entities, private companies were able to distribute newspapers and books in practice.

Satellite television was widely available.

Internet Freedom.—A single government-owned service provider offered Internet access. The number of Internet users was small but growing with improved broadband capability. According to 2009 data of the International Telecommunication Union, there were approximately 82,500 Internet subscribers and 354,000 users. An estimated 5.5 percent of the population had access to the Internet. The Government reportedly monitored Internet communications. According to a 2009 report by the OpenNet Initiative, a partnership among several universities to analyze Internet filtering and surveillance, authorities selectively blocked some opposition Web sites and occasionally blocked others.

In January the Government began filtering some Web sites, including YouTube, after the posting of videos of demonstrations by the families of Abu Salim victims, and of videos of al-Qadhafi's family members attending parties, according to RSF. Other independent and opposition Web sites also were blocked in January, including opposition sites such as Libya al-Youm, al-Manara, Jeel Libya, Akhbar Libya, and Libya al-Mostakbal, according to HRW. Access was later restored to some of the sites. These and other opposition Web sites were periodically hacked or blocked throughout the year. In January 2009 the Geneva-based NGO Libyan League for Human Rights reported that six opposition Web sites operating abroad had been hacked, with some pages replaced with proregime content. Human rights activists, journalists, and local citizens launched a Facebook campaign to restore access to the sites. RSF reported that recently the Government established a regulatory body (Niyabat al-Sahafa) to monitor journalists reporting on corruption cases. In November Blackberry service was launched, but data service was not consistently available.

During the year 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, although security services regularly monitored Internet use at cafes. Users were generally able to access blocked content through proxies and Virtual Private Network.

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. Academic authorities encouraged selected students to study abroad, and some students were provided with government scholarships. According to HRW students were reportedly monitored by their embassies while abroad.

All cultural events require advance government approval. Any group or individual seeking to organize a cultural event needs a government sponsor.

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 express advance approval.

Families of the victims of the 1996 Abu Salim massacre regularly protested in Benghazi, and authorities generally tolerated their protests. In March 2009 authorities arrested five protesters and detained them incommunicado before their eventual release, according to AI.

In October a group of lawyers who demanded new bar association elections met in the streets of Benghazi on at least two occasions, according to local Web sites. The lawyers were protesting what they viewed as government efforts to suppress the bar association's autonomy and prevent new leadership in the organization. The lawyers reportedly were allowed to assemble but were monitored by security services.

Freedom of Association.—The Government severely restricted the right of association and generally only allowed institutions affiliated with the Government to operate. The Government did not allow the formation of groups based on political ideology inconsistent with the 1969 revolution. In practice no nongovernmental organizations functioned in the country. The Government does not allow foreign funding to any organization or work of any political nature with foreign groups. In September, at a regional forum on civil society development in Tripoli, independent lawyers and journalists called for a revision of Law 19, which governs the formation of civil society groups, to enable greater freedom of association. Critics of the law

said that it granted to security services undue authority to reject applications to form civil society organizations and that it gave the state wide-reaching authority to suspend organizations without cause. In September the Human Rights Society reported that it was urging the General People's Congress to review a draft law on civil society.

c. Freedom of Religion.—For a complete description of religious freedom, see the 2010 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 freedom of movement within the country, but freedom to travel outside the country was at times restricted by the arbitrary seizure or nonissuance of passports. Authorities routinely held the passports of foreign spouses of citizens when they entered the country.

The law does not allow, nor did the Government impose, forced exile as a punishment. The QDF continued to encourage dissidents abroad to return and publicly promised their safety.

Though the Office of the UN High Commissioner for Refugees (UNHCR) was allowed to operate for the majority of the year and provide some services to refugees, the Government generally did not cooperate with the 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.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The country is a party to the Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa, in which states agree to cooperate with the UNHCR and agree that the convention is the regional complement to the 1951 convention. The Government has not established a system for providing protection to refugees or asylum seekers. Domestic laws do not recognize asylum seekers or refugees as classes distinct from migrants in the country without residency permits. As such, refugees and asylum seekers are subject to laws pertaining to illegal migrants and were held regularly in detention.

During the year authorities reversed a policy of limited refugee resettlement to third countries, and in June the Ministry of Foreign Affairs ordered the UNHCR to close its office in Tripoli. The UNHCR was later allowed to continue processing its existing caseload but was forbidden from opening new cases. The Government denied requests for exit visas for some immigrants seeking refugee status.

Until June the UNHCR operated in the country assisting refugees and asylum seekers despite the absence of a formal memorandum of understanding and the lack of a formal mechanism for individuals seeking protection in the country. At the time of its closing, the UNHCR reportedly had registered an estimated 9,000 refugees from the Palestinian territories, Iraq, Sudan, Somalia, and other African countries and identified approximately 3,700 asylum seekers in the country.

In September 2009 HRW quoted Brigadier General Mohamed Bashir Al Shabbani, the director of the Office of Immigration at the General People's Committee for Public Security, as saying, “There are no refugees in Libya. They are people who sneak into the country illegally, and they cannot be described as refugees. Anyone who enters this country without formal documents and permission is arrested.” In June 2009, during his visit to Italy, al-Qadhafi responded to criticism about the country's treatment of asylum seekers by calling the reported situation “a widespread lie.” In meetings with embassy officials throughout the reporting period, government officials insisted on referring to illegal immigrants as “guests” rather than refugees.

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. The UNHCR and the International Organization for Migration had occasional access to asylum seekers registered with the UNHCR and irregular migrants in prisons and detention facilities. The UNHCR staff had limited ability 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). The UNHCR had regular access to government officials and detained refugees through the IOPCR. However, since August 2009, coincidental with an influx of returned migrants due to at-sea interdiction, authorities restricted access to detention centers.

On September 12, Libyan authorities aboard a local patrol boat opened fire on an Italian fishing boat believed to be holding illegal immigrants. Although no one was

killed in the incident, HRW criticized what seemed to be a policy that allows shooting at boats carrying migrants from the country to Italy. The Government asserted that firing on unarmed migrants would violate the law.

In October Egyptian media reported that a group of 16 Egyptians alleged that authorities shot at their vessel after it had drifted into Libyan waters and that the authorities detained them for nine months, during which time they reportedly were beaten and humiliated.

In 2009 joint sea patrols with Italy began hindering many asylum seekers and refugees from successfully leaving the country. The patrols returned interdicted migrants to the country. Once returned, their numbers swelled migration detention centers beyond capacity. International organizations reported that conditions in the centers worsened significantly and along with rights groups expressed concern that the joint patrols returned all interdicted migrants to the country without screening for asylum seekers, sick or injured persons, pregnant women, unaccompanied children, or victims of trafficking or other forms of violence against women. In a September 2009 report, HRW criticized the interdiction program for denying individuals access to asylum and sending migrants, refugees, and asylum seekers back to detention in inhuman and degrading conditions where they face abuse by authorities. International organization access to returned migrants to screen for the above classes varied according to the decision of each detention center director.

In June the Government announced the release of more than 3,000 illegal immigrants held in detention and a program to grant illegal immigrants a two- to three-month grace period to obtain legal working permits. The Government did not screen the immigrants for potential refugees.

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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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.

Government sources claimed in 2007 to have repatriated 30,940 illegal migrants of the estimated 1.5 million to two million illegal migrants in the country, regardless of their status or claims to asylum.

During the year the UNHCR registered approximately 9,000 refugees on its internal rolls, although it estimated there were 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 the 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, Sudanese, Eritrean, and Somalis, followed by smaller but growing numbers from sub-Saharan Africa.

The Government stipulates that any foreigner who enters the country illegally shall be arrested and 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. In May 2009 HRW interviewed an Eritrean migrant in Rome who alleged that authorities held him in a single room with more than 160 other individuals with limited access to toilets, food, or water and that guards had beaten him. Another Eritrean migrant claimed authorities transported him with 200 other persons by truck to an inland deportation site at Kufra. Rather than deporting migrants at the border, authorities reportedly left migrants in the desert or released them to smugglers who then demanded payment for transportation to the coast.

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 by peaceful means. 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 al-Qadhafi and his close associates monopolized every aspect of decision making in the Government.

Elections and Political Participation.—The Government prohibits the creation of and 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 directly elected residential people's com-

mittees (roughly neighborhood voting districts), which in turn form the 424 basic people's congresses, municipal people's committees (sha'abiyas, formed of the basic people's congresses), the 760-member General People's Congress, and the 20 cabinet-level secretaries of the General People's Committee with a general secretary, each layer of which is involved in the selection of the next-higher level. Citizens participate through numerous organizations, including residential, vocational, professional, and skilled labor congresses. Voting for leaders of the local congresses is mandatory for all citizens 18 or older. In practice the regime exercised significant influence over legislation and enforcement of the General People's Congress' decisions.

Elections to the General People's Committee occur at meetings of the General People's Congress. Elections generally are held every three years. The most recent elections were held in March 2009 with the people's congresses, the local bodies comprising all citizens, electing their leadership committees. The election process continues through the hierarchy of committees and congresses. Finally, the General People's Congress chooses the General People's Committee, which manages the daily affairs of the Government. Al-Qadhafi is considered the "Brotherly Leader and Guide of the Revolution" and is not elected by the citizens. He is structurally outside the political system but in practice retains authority over the Government.

Revolutionary committees guard against political dissent and assure that citizens adhere to sanctioned ideology. These committees approve candidates for the General People's Congress. In practice revolutionary committees played an unclear role in enforcing official ideology, sometimes appearing increasingly marginalized and sometimes appearing active in political life.

According to a 2009 report of the UN Committee on the Elimination of Discrimination against Women, women held 32 percent of the 760 seats in the General People's Congress. No reliable information existed on the representation of minorities in the Government.

A state security court is 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 and international human rights 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. The QDF called for the abolition of the court in its December 2009 report, and representatives of the organization stated that they were actively lobbying the Government to have the court dissolved. There was very little public information on the court, which according to AI was believed to convene within the confines of Abu Salim Prison in some instances. According to HRW no reports of state security court-ordered death penalties were carried out during the year, and there were no reports of any cases being tried in such a court.

Section 4. Official Corruption and Government 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 regularly engaged in corrupt practices with impunity. Government corruption coupled with favoritism based on family and tribal ties were perceived to be severe problems. Both contributed to government inefficiency.

The law does not provide for financial disclosure by public officials or public access to government information, and the Government did not provide access in practice to citizens, pressure groups, or the media. The Government did not publicly provide detailed planning or budget documents.

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

The Government prohibited the establishment of independent human rights NGOs. In practice no NGOs functioned in the country. A few foreign organizations have attempted to register but have been refused. The QDF moderately criticized the Government's human rights practices on issues ranging from corruption to prolonged detention of political prisoners. Until December the QDF sponsored a human rights society that issued reports on human rights in the country.

Restrictive laws that impose imprisonment for forming or joining international organizations without government authorization forced individuals wishing to carry out human rights work to operate abroad. In May 2009 the QDF facilitated AI's first fact-finding visit to the country since 2004. It also facilitated HRW's visit in April

2009, more than a year after the group's previous visit, but HRW's access to prisons continued to be restricted during the more recent visit.

The QDF facilitated the December 2009 launch of HRW's report, *Libya: Truth and Justice Can't Wait*, from Tripoli, the first such event in the country by an international human rights organization. The report documented human rights practices in the country over the past five years, concluding that there had been "some expansion of the space for free expression despite severe criminal penalties for free speech and association." The report noted the Government's attempt to address the 1996 Abu Salim massacre by acknowledging the death of the prisoners for the first time in 13 years and offering compensation, but no investigation or prosecutions. Families of the Abu Salim massacre victims, public citizens, and government officials attended the event.

Associations engaging in unauthorized political activity were illegal. The Libyan Arab Human Rights Committee, a government body, did not release any public reports. Opposition or political organizations were not allowed to operate in the country, including the National Conference of the Libyan Opposition, National Front for the Salvation of Libya, and the Committee for Libyan National Action in Europe.

Section 6. 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, particularly with regard to women and minorities.

Women.—The 1969 Constitutional Proclamation granted women equality under the law. In practice traditional attitudes and practices continued that discriminated against women. Sharia (Islamic law) governs inheritance, divorce, and the right to own property. The law does not distinguish between genders for crimes of domestic violence, rape, or sexual harassment. Women have societal restrictions on their movement, even to local destinations.

The law prohibits domestic violence, but there was scant information on the penalties or the extent of violence against women. There were 563 cases of rape reported in 2007; statistics were not disaggregated by gender. In 2008 courts heard more than 900 cases involving sex crimes. In January 2009 members of the Committee on the Elimination of Discrimination Against Women criticized the Government for not presenting data on violence against women. Courts handed down prison terms of varying length to convicted rapists, according to a 2009 government response to the UN Human Rights Committee. Domestic abuse rarely was discussed publicly; HRW reported that students conducting a study on sexual violence in April 2009 found that victims were reticent to discuss their experiences due to fears of social stigmatization. The quasigovernmental Waatasemu Charity Foundation, headed by Muammar al-Qadhafi's daughter, Aisha al-Qadhafi, partnered with the UN to promote awareness of domestic abuse and sponsored a hotline for domestic abuse victims.

The law criminalizes rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of as long as 25 years. Rape victims who failed to meet high evidentiary standards reportedly could face charges of adultery, according to HRW.

The law does not address spousal rape. According to government officials responding to the UN Human Rights Committee, "if a wife is raped by force or in a way that she does not accept, she may lodge a complaint and demand that her husband be prosecuted and punished." There were 20 women's courts in Tripoli and in Benghazi to deal with cases that, according to government officials, could not be resolved privately and where women could avoid the social stigma of appearing in a court with violent criminals.

The law does not prohibit female genital mutilation.

The law allowed for arbitrary punishments for dishonoring family, and women and girls suspected of violating moral codes such as walking with a man unrelated to them could be detained indefinitely without being convicted or after having served a sentence and without the right to challenge their detention before a court (see section 1.d.). They were held in "social rehabilitation" facilities, in some cases because they 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, authorities transferred most women to these facilities against their will, and those who came of their own volition did so because no genuine shelters for survivors of violence existed. HRW maintained that the Government routinely violated women's and girls' human rights in "social rehabilitation" homes, including violations of due process, freedom of movement, personal dignity, and privacy. One example of these violations is the practice of "virginity

exams” in “social rehabilitation” facilities, where medical providers conducted invasive examinations to determine whether women detained in such facilities had engaged in sexual intercourse. These exams were believed to be devoid of medical accuracy.

The law criminalizes sexual harassment, but there were no reports on how this law was enforced in practice. Expatriate women reported occasional harassment, including men exposing themselves and following women.

In October 2009 HRW and the Geneva-based NGO Human Rights Solidarity reported that a group of women living in a state-run care residence for women and girls organized a demonstration calling for an end to sexual harassment in the residence. The GPO subsequently opened an investigation into the claims and in October 2009 charged the director of the residence with sexual harassment. However, the director reportedly was released.

Couples and individuals have the right to decide freely and responsibly the number, spacing and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Virtually all births took place in hospitals, and more than 90 percent of mothers received pre- and postnatal care. The lifetime risk of maternal death was low, at one for each 350 live births, and female life expectancy was 77 years and rising. All forms of contraception were available free of charge. Waatasemu, the UN Office on Drugs and Crime, and other groups actively promoted awareness of HIV and sexually transmitted infections and encouraged equal access to medical care for women and men.

The Department of Social Affairs, under the supervision of a cabinet-level member of the General People’s Committee, is charged with collecting data and oversees the integration of women into all spheres of public life, although data were often out of date and incomplete. Women occupied significant positions in government and the judiciary.

The General Union of Women’s Associations, which the Government established as a network of quasi-NGOs, addresses women’s employment needs. According to 2008 data from the International Labor Organization, 26 percent of women older than 15 were economically active, compared with 77 percent of men. Traditional restrictions continued 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 according to 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 women tend to earn less than men for similar work.

Women constituted the majority of university students and graduates and made up almost one-third of university faculty.

Children.—Citizenship is derived from either the mother or the father and registered in a government-issued family book. In July the Government made public a law allowing women married to foreign spouses to pass their own nationality to their children.

There were no data on the number of unregistered births.

The Government subsidized primary, secondary, and university education. Secondary education was compulsory through grade nine for both boys and girls, and 100 percent of children between the ages of six and 14 were enrolled in basic educational institutions, according to the Government’s Universal Periodic Review submission to the UN Human Rights Council. The law imposes high fees on noncitizens enrolled in primary and secondary schools. The UN Human Rights Council noted that schools discriminated against children born out of wedlock.

The law prohibits child abuse, and that prohibition was respected in practice.

Sex outside of marriage is defined as adultery in Law 70 of 1973 and is a felony offense. Eighteen is the age of consent for marriage, although a woman younger than 18 can marry with her father’s consent.

The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—Although no statistics were available during the year, the country’s Jewish population was extremely small and possibly nonexistent. 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 continued since 2004.

In December the United Kingdom’s Guardian reported that in 2008 a Marks and Spencer store in Tripoli had been the target of anti-Semitic accusations by Libya’s government. The English-Jewish owned brand’s store was closed twice in 2008 for

being a "Zionist entity" that supported "the killing of Palestinians." Officials had taken the store's employees in for questioning. Local contacts perceived the attacks as political and aimed at Libyan private business rather than rooted in anti-Semitism. The Marks and Spencer store reopened in 2009 and continued to operate at year's end.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for the rights of persons with physical, sensory, intellectual and mental disabilities and provides for monetary and other types of social assistance. A number of government-approved organizations cared for persons with disabilities and protected access to employment, education, health care, and other state services. Few public facilities had adequate access for persons with physical disabilities, and there was limited access to information or communications.

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 million to two million foreign workers. Of those, nearly one million are thought to be of Sahelian or sub-Saharan African origin and are in the country as undocumented migrants.

The 1969 Constitutional Declaration defined the country as an Arab nation and acknowledged Arabic as the country's only official language, and the regime officially denies the existence of non-Arab citizens.

According to the Society for Threatened Peoples, Berber (Amazigh) people faced contradictory and at times threatening government policies. During the year the Government took steps to alleviate discrimination against the Berber minority. Unlike in previous years, limited exhibitions of Amazigh culture were permitted, including a televised history program. The Government allowed the written Amazigh language on more signs but reportedly prohibited it in official contexts. In August 2009 the QDF invited leading representatives of the World Amazigh Conference to Tripoli to discuss Berber culture and status in the country. Local politicians have also visited Berber towns in recent years. In 2007 the Government abolished a law prohibiting the use of Amazigh and Tuareg names.

The Berber Web site Tawalt.com reported that revolutionary committee members in 2008 targeted Berber leaders near Yefren. Demonstrators reportedly chanted anti-Berber slogans, vandalized properties, and physically confronted counterprotesters. Opposition Web sites alleged the individuals acted in collusion with local police.

According to the Society for Threatened Peoples and a 2008 MEED Business Intelligence report, the Toubou minority in the southeastern part of the country, especially in the town of Kufra, faced massive discrimination. An estimated 4,000 Toubou reportedly resided in Kufra. A government initiative to withdraw their citizenship and designate the Toubou as Chadian reportedly led to five days of fighting between security forces and the Toubou in 2008. As many as 33 persons reportedly died in the fighting. In April 2009, according to AI, armed security personnel used bulldozers to evict Toubou from their homes in Kufra, continuing a policy of forced evictions in place since November 2009. AI reported that Toubou had complained that they were not allowed to attend local schools and were denied treatment at local hospitals because they lacked official identity documents.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was societal and official abuse based on sexual orientation and sexual identity. Citizens tended to hold negative views of homosexual activity, and homosexuality is socially stigmatized. Homosexual acts are a criminal offense punishable by three to five years in prison. The law provides for punishment of both parties. In November a girl who announced on the Internet that she was gay sought asylum in France after she was allegedly arrested, raped, and nearly forced into a marriage.

No public information was available on societal discrimination on the basis of sexual orientation or identity. There were no reports of legal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence toward persons with HIV/AIDS. There were reports of societal stigmatization of persons living with HIV/AIDS, due to an association of the disease with drug use, sex outside marriage, and homosexuality. This stigma also resulted in under-

reporting of the disease. Treatment and medicine were provided to HIV/AIDS patients free of charge at special centers.

Section 7. Worker Rights

a. The Right of Association.—The law prohibits independent associations; workers automatically enrolled in 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.

The law does not give workers the right to strike. Although trade unions have existed officially for more than 25 years, workers historically have seen them as idle organizations under government control.

b. The Right to Organize and Bargain Collectively.—The law circumscribes the conduct of union activities, and collective bargaining was 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 Government's economic and social objectives. The Government has the right to set and cut salaries without consulting the workers.

A free trade zone in Misrata officially opened in 2004, although at year's end it was not operating due to bureaucratic delays. According to local contacts, the delays were both construction and regulatory. Free trade agreements have labor provisions, especially the newer ones; however, the Misrata free trade zone is independent of a free trade agreement.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits any form of forced or compulsory labor, including child labor. Nevertheless, there were some reports of forced labor of migrant workers, particularly Filipino, Indian, and sub-Saharan Africans working in the construction sector after they were smuggled into the country. For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids children younger than 18 from being employed, except when it is a form of apprenticeship. There was no information available on the prevalence of child labor, although there were no reports of child slavery, prostitution, or recruitment into armed conflict during the year.

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 except for migrant workers and includes matters of compensation, pension rights, minimum rest periods, and working hours. Although some public sector categories, such as professors, have received pay increases in recent years, a freeze imposed more than a decade ago continued to depress earnings. The minimum wage was 250 dinars (\$208) per month. The Government paid an additional pension of 90 dinars (\$75) for a single person, 130 dinars (\$108) for a married couple, and 180 dinars (\$150) 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 and utilities, and government workers received an additional 130 dinars (\$108) per month for food staples during the year. Contracts, written in Arabic, exist for migrant workers and are the legal basis for granting visas for temporary workers. Contracts are only for legal immigrants and are a requirement for the hiring business to sponsor the worker; as a result, they are rare and generally only used if the business is closely monitored or regulated.

The legal workweek is 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.

Labor inspectors were assigned by municipal governments 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 about 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 workforce in 2004, but the labor law applies only to foreign workers who have work con-

tracts, a fraction of the total. These workers are covered under the laws on acceptable conditions of work, while other migrants are considered to be illegally in the country. While the 2006 census counted 349,040 foreigners resident in the country, observers and diplomatic missions with large migrant populations in the country estimated during the year that the total number of undocumented workers was between 1.5 million and two million. 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. Foreign workers were subject to arbitrary pressures, such as changes in work rules and contracts, and had little choice other than to accept such changes or depart the country. Authorities deported many foreign workers for not having newly required work permits for unskilled jobs that they held at the time of arrest. In practice the Government had no practical means to track members of the informal foreign workforce or remittance flows, relying instead on the threat of deportation and random roundups to exercise authority. Roundups and deportation generally threatened only illegal or undocumented workers.

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 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 2007 multiparty parliamentary elections for the lower house went smoothly and were marked by transparency and professionalism. International observers judged that those elections were relatively free from government-sponsored irregularities. Security forces reported to civilian authorities.

Citizens did not have the right to change the constitutional provisions establishing the country's monarchical form of government or those designating Islam the state religion. There were reports of torture and other abuses by various branches of the security forces. 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 press freedoms. Corruption was a serious problem in all branches of government. Child labor, particularly in the unregulated informal sector, and trafficking in persons remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, there were reports of deaths in police custody. On September 11, 37-year-old Fodeil Aberkane was arrested in Sale and charged with consuming cannabis. Released after 48 hours in jail, he returned after several days to reclaim his belongings, a motorcycle and a cell phone. An altercation followed and he was imprisoned, accused of “assaulting officers during the exercise of their function.” Two days later he was transferred to a Rabat hospital and pronounced dead. Authorities began an investigation but had not filed charges by year's end.

In the 2008 case of Abderrezzak Kadiri, who died after a violent demonstration at Cadi Ayyad University in Marrakesh, a 2009 government autopsy determined his wounds were consistent with a criminal assault. In August the Government reported that police had arrested and charged a suspect with assault and battery in connection with Kadiri's death, and Kadiri's family dropped charges against the Government.

Unlike in previous years, there were no reports implicating security forces in the deaths of migrants seeking to illegally transit the country to Europe (see section 2.c.). The Government provided no further information regarding the death of a migrant who international human rights NGOs claimed was killed by police at the Melilla border in January 2009.

b. Disappearance.—The country's penal code requires security forces to inform detainees of charges and to inform the detainee's family of his or her whereabouts within 48 hours. The 2003 antiterrorism law provides an exception to this rule by

permitting authorities to detain suspects without informing their families for up to 96 hours. This initial detention period may be renewed twice, up to a total detention time of 12 days. In addition authorities may withhold information about the charges from the detainee's lawyer for up to two days after the initial four-day detention expires (see section 1.d.).

The Government stated that it followed the law in all cases, and that there were no cases of disappearance. However, the domestic nongovernmental organization (NGO) the Moroccan Association for Human Rights (AMDH), international NGOs Human Rights Watch (HRW) and Amnesty International (AI), and the Party of Justice and Development (PJD), an Islamist-oriented political party, claimed that in at least 13 cases, authorities did not follow the provisions of the penal code or the antiterrorism law and that prolonged periods in unknown locations amounted to disappearances in these cases. The Government and the domestic NGO Moroccan Organization for Human Rights (OMDH) disputed these charges, claiming that arrest and pretrial detention were mistakenly equated with abduction and forced disappearances and that families were informed about the whereabouts of those detained.

Regarding the unresolved cases of disappearance dating back to the 1970s and 1980s, the Governmental Consultative Council on Human Rights (CCDH) continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) as it seeks to investigate claims of enforced and involuntary disappearances. The CCDH has provided the OHCHR with information regarding 56 cases that the OHCHR considers unresolved. The CCDH and the UN High Commissioner for Refugees (UNHCR) noted that occasional new claims regarding disappearances that occurred in the 1970s and 1980s continue to be reported. Since 2004 the Justice and Reconciliation Authority (IER) and CCDH, its successor organization, completed investigations of approximately 938 cases of forced, long-term disappearances of regime opponents between the country's 1956 independence and 1999. The IER and CCDH determined only 290 cases amounted to state-enforced disappearances. The CCDH acknowledged that, due to a lack of evidence, it will likely be unable to resolve the 56 remaining cases. The CCDH has provided the OHCHR with information regarding these 56 unresolved cases.

Human rights groups representing ethnic Sahrawis, who reside throughout the country and make up a majority of the population of Western Sahara, claimed that at least 114 cases remained unresolved and accused the CCDH and IER of failing to acknowledge many additional cases of disappearances that occurred between the country's independence in 1956 and 1999, especially from Western Sahara.

By year's end the CCDH reported it had paid reparations to 15,000 victims of disappearance or other abuses committed between 1956 and 1999 or to their family members. During the year 331 individuals received reparation payments totaling 46,233,210 dirhams (\$5,540,289). The CCDH noted that although it continued to receive and investigate reparation claims during the year, it had shifted its focus toward conducting community reparation projects, including providing medical insurance to victims' families. During the year the CCDH disbursed 979 medical insurance cards to individuals living in both Morocco and the Western Sahara territory. Some NGOs alleged the CCDH was flawed administratively and its reparations process was nontransparent, resulting in unequal payments and a lack of objective criteria for awarding payments.

In May the CCDH sponsored the return of the remains of Abdeslam Ahmed EttToud, whose body was found in a secret tomb in Ghfsy in 2005. EttToud was kidnapped by armed men affiliated with the Istiqlal party in June 1956.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government denied that it used torture. However, numerous NGO reports and media articles alleged that members of security forces tortured and abused individuals in their custody, particularly during transport and pretrial detention.

The CCDH did not publish any reports regarding overall trends for incidents of torture and other abuses during the year. However, independent news media and domestic human rights groups, including the AMDH and OMDH, expressed concerns regarding increasing reports of security forces' engagement in arbitrary arrests and torture in prisons and police stations.

On June 28, police in Fes arrested seven members of the Justice and Charity Organization (JCO, also known as Al-Adl Wal Ihsane) at their homes and immediately transferred them to a jail in Casablanca. The men were charged with abducting and torturing a former member of their organization, armed robbery, violence, and membership in an unauthorized organization. Through their lawyers, family members, and other JCO members, Abdallah Bella, Mohamed Slimani, Tarik Mahla, Hicham Mesbahi, Azzedine Slimani, Abou Ali Lamnouar and Hicham Houari claimed that

police beat them in front of their families prior to arrest, and then tortured them for three days in detention in Casablanca. During this time, the men reported that they were beaten, shocked with electricity, sodomized with pens, suspended in the air, denied medical treatment, and kept permanently blindfolded. The JCO, AMDH, and OMDH claimed that a government physician examined the seven men on July 7 and 8 and found injuries indicative of torture and abuse. The Government denied the allegations, and stated that the men had been arrested in response to a complaint filed by Mohamed Elrahzy, a former JCO member and Fes-based attorney. Elrahzy alleged that on May 17 the seven men kidnapped, tortured, and later released him. The JCO, AMDH, OMDH, and two Moroccan political parties—the PJD and the Socialist Union of Popular Forces—publicly called for an independent investigation. On August 30, the defendants filed a complaint against the Judicial Police after the issuance of the medical report on their allegations of torture. On December 21, the Fes Court of Appeals dropped the charges against the defendants due to a lack of evidence.

On July 16, the Rabat Criminal Chamber of the court of appeals upheld the 2008 convictions of 35 defendants for forming a terrorist group, plotting attacks, and committing robberies and other crimes to finance their operations. The court reduced to 10 years the prison sentences of four defendants associated with Islamist political parties and one journalist and released a socialist party politician from prison for time served. Many appealed the verdicts on various grounds, including that the court failed to refer their cases to a forensic expert as required by the law against torture; some defendants claimed that their confessions were falsified or obtained as a result of torture (see section 1.e.).

On March 31, the Marrakesh Court of Appeals decided the appeal of 11 students who alleged that they had been victims of police abuse and torture and were sentenced to prison for their involvement in violent demonstrations in 2008 at Cadi Ayyad University. The court upheld the convictions and lengthened the sentences of one student from two to three years and another student from two to four years. On May 15, the nine other students were released at the expiration of their sentences. According to domestic and international NGOs, the students alleged in their appeal that security forces employed torture, sexual harassment, and other abuse, especially during their arrest and pretrial detention. The court did not consider (and the Government did not investigate) the torture claims; it reaffirmed that police investigations had shown the students' injuries were a result of confrontations during the protests, in which students threw Molotov cocktails and stones at police officers and damaged public property. The Government provided no new information about the case of Qadimi El Ouali, who was severely injured in the 2008 demonstrations at Cadi Ayyad.

The Government continued to improve implementation of the 2006 law against torture, which requires judges to refer a detainee to a forensic medical expert when the detainee or his or her lawyer requests it or if judges notice suspicious physical marks on a detainee. The Government reported that as of September public prosecutors and magistrates had requested expert medical examinations for 31 individuals, compared with 27 requests in 2009 and 49 requests in 2008. Media and human rights NGOs documented cases in which the antitorture law provision was not implemented.

Prison and Detention Center Conditions.—Prison conditions remained poor and generally did not meet international standards. Prisons were overcrowded, resulting in poor hygienic conditions. There were no reports regarding inadequate provisions for ventilation, temperature, lighting, and access to potable water. The Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better prison conditions, and other human rights NGOs continued to report during the year that prisons were overcrowded, prone to violence, and failed to meet local and international standards. The Government stated that its 60 prisons held approximately 61,405 inmates as of August 31, allowing approximately 16 square feet per inmate, far short of the international standard of 97 square feet. Reports published by the OMP in 2008 and 2009 maintained that the adult prison system operated at roughly 133 percent capacity. Various NGOs estimated the number of minors in prison to range between 1,800 and 6,000. In many cases, those imprisoned as minors completed their sentences as adults.

The Government reported that 84 inmates died in prison, 67 (80 percent) of whom were hospitalized and under the care of the Ministry of Health; 26 (32 percent) of reported deaths were due to heart problems. Due to administrative constraints and lack of access to prisons, local human rights NGOs were unable to confirm or challenge these numbers. The Government acknowledged that providing adequate care was difficult given the overcrowded conditions and noted that prisons in cities such

as Casablanca are especially overcrowded due to the refurbishment of nearby prisons, such as the one in Oukacha.

Regarding the 2009 case of Mohamed Amine Akalai, who died in prison, authorities closed the case based on their determination that the death was the result of heart problems.

The Directorate General for Prison Administration (DGAP), a separate agency that reports directly to the prime minister and informally to the king, has responsibility for managing all prisons in the country. It has its own budget and central administrative apparatus. The DGAP secured additional funds during the year to build new facilities, reduce crowding and increase living space per inmate, improve health care and other conditions, and improve security. The Ministry of Justice still directs the development and reform of penal policy.

Although the law dictates that juvenile prisoners be separated from adults in prisons, this did not always occur in practice. There are three detention facilities, known officially as Reform and Education Centers (RECs), reserved exclusively for juveniles up to the age of 20. Several other adult prison facilities have dedicated areas for juvenile inmates. Due to the lack of juvenile prison facilities, authorities sometimes held juveniles with adults, particularly in pretrial detention and in police stations. As of August 31, the Government held 4,851 juveniles under the age of 20 at various prisons. Human rights groups reported that young offenders were abused by other minors, older inmates, and prison guards. Offenders convicted of minor crimes are often placed in the same cell as those convicted of more serious offenses. Government figures indicated that only 3 percent of prisoners were women, and there was less overcrowding in the women's sections. Women were held separately from men.

The Government began implementing vocational and educational training programs in prisons. The Mohammed VI Foundation for Reinsertion of Prisoners, managed directly by the king, provides educational and professional training to young inmates on the verge of release. The foundation runs RECs in 38 of the country's 60 prisons and works with more than 4,000 prisoners each year. Graduates of the foundation's training programs have a recidivism rate of 3 percent, in contrast to the national average of 40 percent. Since 2008 the Government has opened three new prison facilities in Khouribga, Tetouan, and Oued Zem. The Government has closed two prisons since 2008, in Inzegane and Khouribga, due to poor sanitary conditions.

The Government also runs 22 Child Protection Centers (CPCs), five of which are specifically for girls. The CPCs were originally intended to provide an alternative to prison for underage juvenile delinquents. However, the centers are now used to house delinquents, homeless children, victims of domestic violence, drug addicts and other "children in distress" who have committed no crime. Unlike the prisons, the CPCs are managed by the Ministry of Youth and Sports.

Some human rights activists asserted that the prison administration reserved harsher treatment and conditions for certain prisoners, such as Islamists. The Government denied allegations that it accorded different levels of treatment to any inmates, and maintained that there were no political prisoners in the country. Prisoners frequently employed hunger strikes to demand improved prison conditions or to protest lengthy pretrial detentions. Most of these ended within several days in response to concessions from the Government or prison authorities. Although prison authorities provided meals to prisoners three times per day, the amount of food provided was inadequate, and families and friends regularly supplemented prisoners' diets.

The Government permitted prison visits by independent human rights observers, including local human rights groups, but not by international groups or the media. As in years past, family members of prisoners accounted for the majority of prison visits. At least 600 visits were by judiciary authorities for various oversight reasons. The DGAP also reported that 88 regional or parliamentary commissions made prison visits during the year. Authorities documented 132 visits by domestic NGOs during the first six months of the year. NGOs reported that although international NGOs visited prisons in previous years, the DGAP's new director general discouraged such visits, and they ceased. The International Committee of the Red Cross did not make any requests to visit prisoners.

The quasigovernmental CCDH acted as an ombudsman for human rights and continued to expand the scope of its activities. The CCDH received complaints from prisoners and from family members writing on behalf of their imprisoned family members (see section 1.e.).

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs that only have a human rights mandate to do so except with special authorization. There

were no reports that prisoners and detainees were denied permission to practice their respective religions. Members of various NGOs, including the OMDH, AMDH, OMP, and Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and to check on their health and well-being as “friends or family,” not as human rights NGO representatives.

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. According to local NGOs and associations, police did not always identify themselves when arresting suspects or consistently obtain warrants. Police reportedly held some detainees without charging them. It was common practice for security forces to arrest a group of persons, take them to a police station to be questioned, and then release them without charge.

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. However, the borders are managed by different entities intervening in various capacities. For example, the Royal Armed Forces manage borders in Western Sahara and along the southern border with Algeria. Along the northern section of the eastern border with Algeria, the army, Auxiliary Forces, gendarmes, police, and customs authorities are present.

The Auxiliary Forces are separate entities that have security responsibilities and also report to the Ministry of Interior. The Auxiliary Forces are often used to support gendarmes or police as necessary. The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions and on national highways. The main federal investigative body, the judicial police, is a hybrid DGSN and Justice Ministry entity. Both the Royal Gendarmerie and the judicial police report to the royal prosecutor, who orders investigations. The judicial police investigate violations of criminal law, terrorism, organized crime, and white-collar crime. The Department of Royal Security reports to the king.

There was no systematic prosecution of security personnel who committed human rights abuses. Corruption and impunity reduced police effectiveness and respect for the rule of law. Petty corruption was widespread among the police and gendarmes, and broader, systemic corruption undermined law enforcement and the effectiveness of the judicial system.

On February 23, the king issued a royal high directive designed to modernize and professionalize the national police force, the General Directorate for National Security, by making it an autonomous directorate. The Government stated that these changes were aimed at improving the quality of recruits and reducing corruption. Various components of the king’s directive have been implemented. On October 1, traffic officers began wearing photo identification while performing their duties. This measure is expected to reduce widespread bribery by traffic officers and will allow citizens to report and document abuse. While the directive did not include provisions for additional training of security forces, the Government increased investigations, prosecutions, and training—including a human rights component—for security personnel.

The Ministry of Interior increased investigations of abuse, human rights violations, and corruption across all security services under its purview. During the year the Government reported that it arrested, prosecuted, or opened investigations regarding 332 government authorities or security officials at all levels for crimes ranging from assault and battery to petty bribery throughout the country and Western Sahara. These included prosecutions for cases of drug trafficking or involvement in abetting illegal immigration against three chiefs of police, 25 police officers and customs agents, 21 staff members of the Auxiliary Forces, and 16 officers of the Royal Armed Forces and the Royal Navy. Information for the year was not available on the number of convictions and punishments, and many more incidents of alleged corruption were never investigated. Cases often languished in the investigatory or trial phases without resolution.

Arrest Procedures and Treatment While in Detention.—Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice warrants were sometimes issued after the arrest. Warrants were generally issued on the basis of evidence and exclusively by authorized officials. Authorities denied defendants’ access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged 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 as long as one year while an investigating magistrate completes work.

NGOs continued to report that as many as 90 percent of incarcerated minors were in pretrial detention. The law provides for a limited system of bail, but bail was rarely granted. Some judges were unaware of legislation permitting the use of the bail system or other alternative sentencing provisions. The law does not require 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. Police were required to notify a detainee's next of kin of the 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 police did not always abide by this provision. 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.

As of August 31, pretrial detainees made up 42 percent of the 61,405 inmates in prison.

Amnesty.—The Government used royal pardons rather than a parole system as the principal judicial mechanism for early release. The king pardoned 1,838 prisoners during the year. Pardons may take the form of release, sentence reduction, or transfer.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but in practice the courts often did not act independently and were weakened by corruption and extrajudicial influence. Corruption and extrajudicial influence was reportedly most acute in criminal, commercial, and civil law cases. Many judges did not consistently base rulings on new laws and, at times, referred to outdated laws in their decisions. The king heads the Supreme Judicial Council, and the minister of justice presides over it in his absence. The council has administrative authority to hire, dismiss, and promote judges and can decide which judges to appoint to certain positions.

During the year the Government exhibited some efforts to address corruption. The inspector general of the Justice Ministry investigated 65 criminal or ethics complaints against judges (up from 55 in 2009), which resulted in the referral of 16 judges to the Supreme Judicial Council for disciplinary measures.

In the 2008 suspected terrorist trial of 35 defendants, whose convictions were upheld on July 16, defendants claimed that they were deprived of a fair trial based on the Minister of Interior's public statements prior to the trial alleging that the accused persons were assumed to be guilty.

Serious state security charges against civilians, including those relating to the monarchy, Islam, or territorial integrity (i.e., the country's sovereignty claim over Western Sahara), are typically tried in civilian courts. Cases regarding treason must be tried before a military court. While cases regarding territorial integrity can also be referred to a military court, the conditions under which a case may be moved to a military court are not transparent. It is also unclear from where such a decision originates (see the Western Sahara report). Judgments by military tribunals may be appealed. Depending on the military tribunal's decision, cases are sometimes moved to a civilian appellate court. NGOs and judicial reform advocates alleged that the Government interfered with the judiciary, especially in political cases, sometimes undermining the fairness of the trial.

In 2008 73-year-old Colonel-Major Kaddour Terhzaz was arrested for allegedly threatening the country's security through divulging national defense information. The Permanent Military Court of the Moroccan Armed Forces in Rabat tried Terhzaz, found him guilty, and sentenced him to 12 years at the Sale prison. In 2009 the military court rejected a cassation of the verdict (a military court version of appeal). In May an attorney submitted one final brief requesting that the case be reopened to examine new evidence, but the tribunal rejected the brief. Terhzaz's family members and the AMDH claimed that before the initial trial, his defense attorney was not given adequate time to prepare for the case and that officials prevented his attorney from visiting him. Various NGOs stated that no witnesses were

allowed to testify at his trial. Family members also reported that Terhzaz has been in solitary confinement since November 2009. As of November 2010 Terhzaz remained in solitary confinement. The Government maintains that the Terhzaz case is a matter of national security, and the legal proceedings against him were fair and transparent.

Regarding the case of the seven Sahrawi activists arrested in October 2009 on charges of “intelligence cooperation with a foreign entity” and “incitement to disturb public order” after a trip to the Sahrawi refugee camps near Tindouf and Algiers in Algeria, all seven activists continued to face charges of incitement to disturb public order at year’s end; the intelligence cooperation charge was dismissed. Four of the activists were provisionally released during the year, and three remained in prison in Casablanca. After several attempts at a trial were disrupted, the three were awaiting trial before a civilian court at year’s end (see the Western Sahara report).

Trial Procedures.—Defendants are presumed innocent. The law provides for the right to a fair public trial for all citizens; this did not always occur in practice, especially for those protesting the incorporation of Western Sahara into the country. Juries are not used, in accordance with the Napoleonic legal system.

Although the Government claims that accused persons are brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Technically an accused person may be kept in detention for as long as one year prior to trial. There were several reports that authorities routinely held detainees beyond the one-year limit.

Defendants have the right to be present at their trial and to timely consultation with an attorney, although these rights were not always enforced in practice. Attorneys were not appointed in all cases or, if provided, were poorly paid or provided in an untimely fashion, often resulting in inadequate representation. According to law, defendants in criminal and human rights cases have access to government evidence against them. In practice judges sometimes prevented or delayed access. Under the law, defense attorneys may question witnesses. Some judges reportedly denied defense requests to question witnesses or to present mitigating witnesses or evidence.

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 charged that judges often decided cases based on forced confessions, especially in cases of Sahrawis or individuals accused of terrorism. Police statements about detainees were used in place of defendants’ confessions.

The law extends rights regarding trial procedures to all citizens. Family courts generally adjudicated divorce and child custody cases for Muslim citizens according to the 2004 family law. A parallel family legal system handled matters for Jewish citizens in accordance with traditional Jewish law. Designated juvenile judges have jurisdiction over cases relating to alleged offenses by minors between the ages of 12 and 18. However, NGOs reported that judges’ ignorance of the statutes and their lack of training on human and children’s rights meant that provisions affecting children were not used and many minors received prison time for minor offenses.

Political Prisoners and Detainees.—Legislation does not define or recognize the concept of a political prisoner. The Government did not consider any of its prisoners to be political prisoners and stated that all individuals in prison in the country had been convicted or had been charged under criminal law and were awaiting trial. However, several NGOs, including the AMDH, Sahrawi organizations, and Amazigh (Berber) activist groups asserted that the Government imprisoned persons for political activities or beliefs under cover of criminal charges.

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 or impartial in civil matters due to extrajudicial influence and corruption. 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. As of July 31, the ombudsman received 2,476 complaints; it judged 1,835 to be valid and referred those cases to other public administrations as appropriate. The CCDH did not take direct action on specific cases but continued to serve as a conduit through which citizens expressed complaints about government malfeasance or human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that an individual’s home is inviolable, and that a search may take place only with a search warrant; however, authorities sometimes ignored

these provisions in practice. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of suspected terrorism, but the Government did not always observe these rights. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches.

As in previous years, authorities reportedly searched and shut down activities in the homes of members of the Justice and Charity Organization, an Islamist charitable and sociopolitical group the Government tolerated but did not officially recognize. Members used their homes for “open houses” where they held politically oriented meetings. On May 20 and 29, authorities detained for questioning 342 male and female JCO members in the towns of Oujda, Tangiers, and Zaio. As in years past, during Ramadan authorities carried out raids, detained at least 21 JCO members, and forcibly dispersed meetings at private residences in several cities. JCO members claimed the DGST was responsible for the harassment. In almost every case, authorities detained, questioned, and later released JCO members without charges.

Sahrawi activists reported that when NGOs held meetings at members’ houses, both plainclothes and uniformed police occasionally intervened (see the Western Sahara report).

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; however, the Government continued to restrict freedom of the press through the legal system. Government-provided figures for this year showed that six journalists or media outlets faced criminal or civil charges, down from 56 such cases in 2009 and 42 in 2008. These numbers included cases the Government initiated as well as private citizens’ libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions, newspaper closings, and libel suits.

The law prohibits citizens from criticizing Islam or the institution of the monarchy. It is also illegal to voice opposition to the Government’s official position regarding territorial integrity and Western Sahara. The press, however, reported on controversial and culturally sensitive topics involving the military, national security, and sexuality.

The antiterror law and the press code impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults, including critical discussion of the monarchy, state institutions, territorial integrity, and Islam. Prison sentences may be imposed on those convicted of libel.

The press code lists threats to public order as one of the criteria for censorship. The Government also has the ability to revoke licenses and to suspend and confiscate publications.

Politically diverse newspapers and weeklies published articles critical of high-ranking officials and policies. Although authorities overlooked most of these instances, a few publications paid significant financial penalties when articles came close to the “red lines” of monarchy or the Western Sahara. The Government levied substantial fines that publishers accused of violating the law could not afford to pay. In some cases, these substantial fines appeared to be designed to bankrupt the publisher and force it to close. Many journalists also noted that there was great inconsistency in the Government’s responses to sensitive articles that touched on the “red lines,” and they had no way to know when they might face sanction.

In January the Ministry of Communication announced it would expand the scope of regulations regarding foreign television stations and begin require foreign stations to receive ministry approval on a monthly basis (rather than annually as before) to report on or record individuals outside Rabat. Initially the new restrictions were aimed at Al Jazeera. The requirements have also affected the television channels Al Hurra, Al Arabiya, and BBC.

On January 27, governmental judicial liquidators took control of newsweekly *Le Journal Hebdomadaire* after a Casablanca commercial appeals court declared on January 25 that the publication’s former publishing group, Media Trust, and its current one, Trimedia, were bankrupt. According to credible sources, the publication owed a debt of five million dirhams (\$599,161). *Le Journal* incurred some of this debt in September 2009 when the Supreme Court ordered the publication to pay 2,652,022 dirhams (\$317,797) in damages for a libel suit concerning its sources of funding for an article on the Western Sahara by the European Strategic Intelligence and Security Center, a Brussels-based think tank. On April 18, a Rabat appeals court upheld the amount of damages awarded. However, international NGOs including HRW and Reporters without Borders (RSF), as well as local civil society members, observed that the Government continually found reasons to fine the magazine and discouraged companies from advertising with it. The Government claimed it

was following the law by forcing a judicial liquidation since the company's debt exceeded 14,025,755 dirhams (\$1,680,738). According to the Government, in 2004 Media Trust and Trimedia stopped paying salaries to employees and stopped paying debts to banks, the National Fund for Social Security, and the Treasury.

On March 8, authorities arrested Mohammed Attaoui—a correspondent for the Arabic-language daily *Al Mounataf*, president of a local environmental NGO, and an employee of the Tounfite municipality—for possession of hashish and extortion. The Government alleged that Attaoui threatened to denounce a local civil servant in the press and demanded a 1,000 dirhams (\$120) bribe to stay silent. On March 22, authorities charged Attaoui with extortion and a court sentenced him on the same day to two years in prison. RSF and many local media outlets reported that his arrest was related to a February 16 article denouncing Taoufite community leaders' corruption and illegal cedar trafficking. At year's end Attaoui was awaiting his appellate hearing.

On June 3, the High Authority of Audiovisual Communication suspended Radio Mars for 48 hours and fined the station 57,000 dirhams (\$6,830) after a guest interviewee, Hicham Ayouch, jokingly remarked that he would like to become the president someday, a perceived challenge to the institution of the monarchy.

Independent Arabic-language newspapers *Al-Jarida Al-Oula*, *Al-Ahdath Al-Magreb*, and *Al-Massae*, which were fined 3.3 million dirhams (\$395,446) in June 2009 for insulting a foreign head of state, appealed their cases in late 2009; the court upheld the original finding against them.

The Government banned the importation of foreign media when they were considered to undermine the sanctity of the nation or public order. For example, throughout the week of December 14, the Government blocked the distribution of leading international newspapers *Al-Quds Al-Arabi*, *El Pais*, and *Le Monde* for printing Wikileaks-related articles critical of the Government.

The Government's case against Ahmed Benchemsi, the publisher of *Tel Quel* and *Nichane* magazines who was charged in 2009 with failing to show "due respect" to the king, remained pending at year's end.

The Government closed its case against Arabic-language weekly *Al Michael* director Idriss Chahtane, who received a one-year prison sentence and a 10,000 dirhams (\$1,198) fine for reporting false information on the king's health. The king pardoned Chahtane on June 11 after he had served eight months of his sentence.

The Ministry of Communications issued directives and guidance, and it subsidized publications including those critical of the Government. Direct government subsidies varied according to the percentage of the population reading the publication. The placement of government-directed advertising influenced print media outlets' revenue and may have influenced their coverage.

The Government censored the media directly and indirectly through licensing and advertising. The Government registered and licensed domestic newspapers and journals. Journalists and publishers exercised self-censorship in response to the threat of government pressure or closure.

Authorities temporarily suspended publications that the Government judged offensive. Authorities restricted the importation of and censored the February 25 edition of the French weekly *Le Nouvel Observateur* because it contained information on the case of Colonel Kaddour Terhzaz (see section 1.e.). The weekly was later distributed without the Terhzaz story.

There were no private television stations. The Government-owned *Societe Nationale de la Radiodiffusion et de la Television*, which wholly or partly owned and operated several local television and radio stations. It also partially owned the 2M television and radio network. The Government purchased a majority stake in formerly private *Medi-Sat* television this year in an effort to save it from bankruptcy. Independent radio stations require licenses, and a government committee monitored radio broadcasts to assure adherence to license agreements. 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.

In 2008 the Government suspended *Al-Jazeera's* broadcasting license, forcing it to cease broadcasting its nightly *Maghreb* news bulletin from Rabat. The Ministry of Communications continued to refuse to issue accreditation documents to two journalists, Anaz Bensalah and Mohamed Bakkali, who work for the *Al-Jazeera* television channel. Authorities provided no reason for this decision. The two journalists filed suit against the ministry in September alleging arbitrary suspension of their accreditation and seeking to have their accreditation restored. Hassan Al-Rachidi, whose press credentials were suspended, paid 49,000 dirhams (\$5,872) in fines.

Authorities subjected some journalists to harassment and intimidation during the year.

On June 4, authorities entered and searched the Casablanca residence of journalist Zineb el Rhazoui without a warrant. El Rhazoui claimed that the authorities seized a hard drive, computer, memory card from a camera, and some personal effects, which they alleged that Ali Amar, who was at the residence at the time of the search, had stolen. El Rhazoui and Amar were then detained for 12 hours and released. Amar was arrested again on June 7, charged with theft, and held for 24 hours. On July 1, the Ain Sbaa Court of First Instance found Amar guilty of theft and sentenced him to a three-month suspended sentence and fines of 40,500 dirhams (\$4,853). Journalists and NGOs criticized the Government's handling of this case, alleging that authorities had targeted El Rhazoui and Amar because they were journalists who had worked for *Le Journal Hebdomadaire*, which authorities permanently closed in January. Amar also published a book in April 2009 in France that was critical of the Moroccan king, and El Rhazoui was the cofounder of a group that gained notoriety in September 2009 after authorities prevented its members from violating a law that prohibits breaking the Ramadan fast in public.

In a case dating from September 2009, Rabat police questioned 10 journalists from three Arabic-language newspapers that had published articles about the king's health. Authorities released eight of the journalists, but courts convicted two, Ali Anouzla and Bouchra Eddou of *Al-Jarida al-Oula*, of defamation. In December 2009 the Rabat appellate court confirmed the verdict, and on June 30, the Supreme Court rejected Anouzla and Eddou's final appeal. *Al-Jarida al-Oula* suspended publication in May 2009 due to financial problems, but its owner announced early in the year his intention to create a new weekly Arabic magazine.

Books were subject to seizure or were forbidden entry and sale. During the year several books concerning the monarchy and some foreign magazines were not permitted to enter the country.

Internet Freedom.—There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The Government did not generally restrict access to the Internet. Individuals and groups were generally able to engage in peaceful exchanges of views via the Internet, including by e-mail. The International Telecommunication Union reported there were 41.3 Internet users per 100 inhabitants in 2009. The Government did not attempt to collect the personally identifiable information of persons over the Internet in connection with citizens' peaceful expression of political, religious, or ideological opinion or beliefs.

In December 2009 bloggers Hazzam El Bachir, Boubaker Al-Yadib, and Abdelaziz Salami and Internet cafe owner Abdellah Boukfou alleged that police arrested them for their involvement in a student protest in Taghijjt. According to government reports, El Bachir and Boukfou participated in an unauthorized demonstration, destroyed public and private property, and seriously injured police officers on duty during the demonstration. Authorities further alleged that both men were in possession of publications aimed at inciting violence and racial discrimination. In December 2009 a court in Guelmim sentenced El Bachir to four months in prison, Boukfou to 12 months, and each to a fine of 500 dirhams (\$60). An appeals court reduced El Bachir's sentence to two months on February 8, and he was released the same day based on time served. The same appeals court reduced Boukfou's sentence to eight months, and he was released on August 4. On February 2, a Guelmim tribunal sentenced Al-Yadib and Salami to six months in prison and a 500 dirhams (\$60) fine; both were released after serving their full sentence.

Academic Freedom and Cultural Events.—By law and in practice, the Government reserved the right to restrict presentations or discussions questioning the legitimacy of the monarchy, Islam, or the status of Western Sahara, and it did so on some occasions. The Government generally tolerated political and religious activism on university campuses. Islamist groups wielded considerable influence on campuses. In some cases they controlled student unions and acted to constrain academic freedom by intimidating or harassing students or professors. The Ministry of Interior approved the appointments of university rectors.

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 sometimes used administrative delays and other methods to suppress or discourage demonstrations. However, both authorized and unauthorized sit-ins, demonstrations, and protests occurred frequently throughout the country and were almost always tolerated, unless they turned violent. The Government also prohibited or failed to recognize associations it deemed unqualified for NGO status.

Freedom of Assembly.—The law conditions the right to freedom of public assembly on acquiring Ministry of Interior permission. However, authorities frequently allowed those who did not receive permission to nevertheless hold an assembly. Some NGOs complained that the approval process was often inconsistent. During the year

police forcibly disrupted some demonstrations and mass gatherings. However, the media and NGOs made few reports of violent police actions against demonstrators and of police disrupting peaceful demonstrations. In one case, the Ministry of Interior refused to grant the domestic NGO Transparency Maroc a permit to hold a public gathering to present an anticorruption prize. The ministry did so through administrative means and without resorting to violence.

Freedom of Association.—The constitution and the law provide for freedom of association, although on some occasions the Government has declined to officially recognize NGOs. The establishment and functioning of associations are governed by a 1958 decree. According to the Government, approximately 100,000 NGOs and associations were registered.

New NGOs are required to register with the Ministry of Interior. A proposed organization must submit its objective, bylaws, address, and photocopies of members' identification cards to the ministry. In practice the Government has denied official recognition to NGOs that advocate against the monarchy, against Islam as the state religion, or against territorial integrity. The ministry issues a receipt to the organization that signifies formal approval. If the organization does not receive a receipt within 60 days, it is not formally registered. Many organizations the Government chose not to recognize functioned without the receipts, and the Government tolerated their activities. Several organizations, including the ASVDH and the JCO, have won administrative court judgments confirming that their applications for registration conform to the law; however, administrative courts have no enforcement powers beyond ruling that authorities exceeded their powers and cannot force government officials to recognize NGOs.

Organizations supporting self-determination for Western Sahara were not permitted to register, including the ASVDH and the Sahrawi Collective of Human Rights Defenders. Unregistered organizations cannot access government funds or legally accept contributions. The ASVDH remained unregistered despite a 2005 Agadir administrative court decision requiring authorities to register it.

During the year authorities continued to monitor JCO activities and, on occasion, disrupted them (see section 1.c.).

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. These rights were generally respected in practice, although the Government restricted movement in areas regarded as militarily sensitive, including the demilitarized zone in Western Sahara.

The Government cooperated with the 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 Ministry of Interior restricted the freedom of civil servants to travel outside the country, including teachers and military personnel. Civil servants and soldiers must obtain written permission from their ministries to leave the country.

The law provides for forced exile; however, there were no instances of forced exile in the country during the year.

The Government encouraged the return of Sahrawi refugees if they acknowledged the Government's authority over Western Sahara. The Government continued to make travel documents available to Sahrawis, and there were fewer cases of Sahrawis being prevented from traveling (see the Western Sahara report).

Protection of Refugees.—The Government has not yet established a national asylum procedure; it defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Refugees recognized by the UNHCR are not returned under such circumstances, although the Government does not process or recognize their asylum claims. These refugees were therefore unable to obtain residence permits that would officially allow them access to the national health care system and the legal right to work; however, the Government generally permitted refugees to work upon presentation of a valid UNHCR refugee card. As of September the UNHCR reported approximately 750 refugees and 340 asylum seekers in the country.

There were credible reports of government authorities expelling illegal migrants into the desert along the border with Algeria. NGOs reported that authorities left some migrants without food and water; however, unlike in previous years, there

were no reports of migrant deaths as a result. The International Organization for Migration reported 1,119 cases of migrants' voluntary return to their country of origin during the year.

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

The law provides for regular, free elections based on universal suffrage. Citizens directly elect municipal councils and the lower chamber of parliament, and they indirectly elect the upper chamber of parliament and the regional councils through representatives. Citizens did not have the right to change the country's monarchical form of government.

The king may dissolve parliament at will and as head of state appoints or dismisses 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 king also appoints the constitutional council, which determines whether laws are constitutional.

The constitution may not be changed without the king's approval. The constitution provides that neither the monarchical system nor measures related to the practice of Islam may be revised. Only the king has the power to put constitutional amendment proposals to a national referendum. The king or parliament may propose amendments, which must pass both houses with a two-thirds majority. Once a royal decree has been issued, the amendment may be sent to a national referendum; the king has the authority to bypass any national referendum.

Elections and Political Participation.—Electoral law and regulations give the Ministry of Interior authority over elections, from drawing electoral districts to counting votes. Redistricting, which occurs before every nationwide election and addresses population changes, took place before the June 2009 local government elections. Districts contained significantly different numbers of voters, with rural districts having many fewer voters.

In the 2007 legislative elections, the king mandated the royally chartered and appointed CCDH to supervise and facilitate the work of domestic and international observers. In the June 2009 communal elections, the CCDH again organized a wide range of domestic observers, and all political parties considered the elections free, fair, and transparent.

International and domestic observers assessed the voting and noted the Government's effective administration of the 2007 election process. According to the Ministry of Interior, voter turnout was 52 percent. Independent media made numerous reports alleging preelection vote buying by political parties and some instances of official misconduct at the district level. The CCDH, the Government, and observers acknowledged that all parties likely engaged in such misconduct.

Domestic observers and some political party leaders recommended the creation of an independent electoral commission rather than Interior Ministry administration.

Political parties faced government-imposed restrictions. The Ministry of Interior must approve political parties, and legislation placed conditions on the establishment and functioning of political parties. The law requires parties to hold annual 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 it received nationally. Only registered members of a particular party may make private contributions. The Ministry of Interior can disband a party if it does not conform to the provisions stated in the law. To create a new party, organizers must submit to the ministry a declaration signed by at least 300 founding members from at least eight of the 16 regions of the country.

Prime Minister Abbas El Fassi's 33-member cabinet included three female ministers and two female secretaries of state. There were 34 female members of the 325-member lower house of parliament. There were no women on the Supreme Court.

Women's representation in local government and political parties' decision-making structures increased dramatically in 2009 and continued to increase during the year. Before the June 2009 elections, women held fewer than 1 percent of elected positions at the local level, and only two women served as mayors. Following a 2008 agreement between the Government and political parties, a minimum of 12 percent of the local council seats (approximately 3,000 elected positions) were reserved for women. More than 20,000 female candidates ran for office, with 3,421 winning seats (13 percent of the total). Twelve women were selected in subsequent indirect elections to head local councils as mayors or mayor equivalents, including the mayor of Marrakesh.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. It was common knowledge that corruption was a serious problem in the executive, including the police, legislative, and judicial branches of government. There were reports of government corruption during the year, and the World Bank's Worldwide Governance Indicators indicated that corruption was a problem.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. In August 2009 the king called for judicial system reform, including greater judicial independence and corruption prevention. Since 2007 the law has required judges, ministers, and members of parliament to submit financial disclosures.

In 2008 the Government formed the Central Commission for the Prevention of Corruption (ICPC). In July 2009 the ICPC released its first report, stating that it had received 21 valid corruption complaints. At year's end the ICPC published investigations on corruption in the health and transport sector. The ICPC has initiated work on several draft anticorruption laws and in January instituted an ethics and corruption oversight body for the Customs Administration. On October 21, an interministerial government commission approved a two-year anticorruption program. As a result of this plan, the ICPC, in coordination with the General Confederation of Enterprises of Morocco (the country's largest business association) and the National Agency for Small and Medium Enterprises developed an Internet portal for enterprises to submit complaints about corruption and other problems. Through this Internet site as well as other means, the ICPC collects complaints of corruption and submits them to the Ministry of Justice. However, the ICPC does not have the authority to require response from government institutions on anticorruption cases. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases. Subsequently, the ICPC launched an Internet portal for the civil society to identify instances of corruption, organized a regional conference of anticorruption authorities with the participation of the Organization for Economic Cooperation and Development, created a corruption database, launched a nationwide awareness-raising campaign, and developed curriculum about ethics and civism for usage in schools across the country. In addition to the commission, the ministry and the Government accountability court had jurisdiction over corruption issues.

The Government investigated the mayor of Meknes on charges of mismanaging funds, resulting in his removal from office in January 2009.

In January authorities arrested 100 officials throughout the country for corruption, malfeasance, or abuse of office. The arrests capped a year-long audit by the Ministry of Interior's inspector general and the Government Accountability Court. At year's end 117 officials had been charged with corruption.

In July 2009 the High Judiciary Council sanctioned 70 judges on corruption-related charges, according to NGOs. According to observers, 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 through an internal mechanism. In August 2009 the Royal Gendarmerie launched an internal anticorruption awareness campaign and established a unit to track down corrupt agents (see section 1.d.).

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 5. 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. Domestic and international human rights groups generally operated in the country without government restriction, except those that advocated in favor of independence for Western Sahara, and these groups investigated and published findings on human rights cases. Government officials were generally cooperative and responsive to their views, except on Western Sahara.

Domestic and independent human rights NGOs that the Government recognized included the OMDH and the Moroccan League for the Defense of Human Rights (LMDH). Since 2000 the Government has subsidized these two NGOs. However, the LMDH, which is a part of the Istiqlal party, was no longer active; the OMDH and AMDH were considered the main human rights NGOs. The AMDH did not cooperate officially with the Government but usually shared information informally with both the Government and government-affiliated organizations. The Government

sometimes met with and responded to inquiries and recommendations from the OMDH and AMDH. Other groups that worked with the Government to try to improve human rights conditions or investigate alleged abuses included Friends of the Center for Reform and the Protection of Youth, more commonly known as Association Mama Assia, which focused on working with imprisoned youth. The Government also cooperated with the Forum for Truth and Justice, Transparency International, the OMP, and the local branch of AI.

International NGOs such as HRW and AI cooperated with the Government on several human rights projects and generally reported unrestricted operation.

The Government generally cooperated with international governmental organizations and permitted visits. For example, the Government hosted the third meeting of the Reflection Group on the Strengthening of the Human Rights Council in Rabat on May 27-28.

The UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) met for its 88th session in June 2009 in Rabat. During its session, the working group reviewed 200 cases of enforced disappearances around the world, as well as past cases from 35 countries. The UNWGEID also analyzed the IER, to collect lessons learned for other countries.

The last visit by any UN special rapporteur was the 2006 visit of the special rapporteur on the right to education.

The CCDH advised the king on human rights issues. A nonjudicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. The UNWGEID criticized the CCDH's pace in implementing the institutional changes recommended by the IER, but human rights NGOs and the public generally viewed the organization as a credible and proactive government advocate for institutional protection of human rights and vehicle to seek redress in individual cases.

A parliamentary human rights committee exists but takes action only to investigate significant events. During the year it created a special parliamentary commission composed of both majority and minority political party representatives to investigate the Agdim Izik camp dismantlement in November in Western Sahara (see the Western Sahara report). The commission's report had not been released by year's end.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status. In practice societal discrimination against women continued to be a problem, particularly in rural areas.

Women.—The law punishes men convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Sexual assault can result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,797). Spousal rape is not a crime. However, the domestic advocacy group the Democratic League for Women's Rights (LDDF) reported that in eight out of 10 cases of violence against women, the perpetrator is the husband.

Women's rights organizations pointed to numerous articles of the law on rape that they see as perpetuating unequal treatment for women and insufficient protection despite family law revisions. Defendants in rape prosecutions bear the burden of proving their innocence. Sexual assaults often were unreported. Victims' families may offer rapists marriage as an alternative to preserve family honor; a prosecution for statutory rape may be cancelled if the defendant agrees to marry the victim.

The number of instances of rape in the country was not available at year's end; in 2008, the last year for which any rape statistics were available, the UN reported 1,130 instances of police-recorded rape in the country. Reports by women's shelters were limited in scope regarding the scale of violence against women and noted the Government's failure to implement existing legislation. According to women's rights organizations, the Government had failed to follow through on a campaign launched in 2006 to prevent violence against women.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities. The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. The penal code stipulates two types of domestic violence. High-level misdemeanors occur when the victim suffers injuries that result in 20 days of disability from work. Low-level misdemeanors occur for victims who suffer disability for less than 20 days. However, NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors. A local NGO, the Global Women's Institute, reported that often laws are not implemented due to soci-

etal concerns regarding breaking up a family and due to the conservative mentality of some police and court officials.

Observers criticize the lack of specific legislation protecting women and girls against violence. The UN Committee on the Elimination of Discrimination Against Women reiterated these concerns after the country's third and fourth periodic reports were submitted in 2008.

The Government operated hotlines for victims of domestic violence in 20 centers nationwide. Three NGOs also operated counseling centers for legal and social services. The Anaruz Network operated 31 call-in listening centers, and the LDDF operated 12 centers. Counseling centers existed exclusively in urban areas. Services for victims of violence in rural areas were limited to local police. The Oxygen Association, a local NGO based in Ouarzazate Province, ran a confidential listening center, literacy program, and legal aid program. During the year the Oxygen Association conducted surveys that revealed that many battered women were between 15 and 18 years old and often did not report abuse. Data from the province indicated that half the province's population considered spousal violence a private matter.

In February 2009 the Union for Women's Action (UAF), an NGO working against discrimination against women, and the Anaruz Network launched an awareness campaign for victims of violence in 16 municipal districts of Casablanca. During the summer, the UAF trained 1,200 of the 3,000 women who were elected to municipal councils in 2009. Training focused on coalition-building and lobbying to help female politicians who face resistance from male colleagues.

Many recognized NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women (ADFM), Union for Women's Action, LDDF, and Moroccan Association for Women's Rights. All advocated enhanced political and civil rights for women. There were numerous NGOs that provided shelters for battered women, promoted literacy, and taught women basic hygiene, family planning, and child care.

Sexual harassment in the workplace is a criminal offense, but only when committed by a superior, and it is defined as an abuse of authority. Authorities did not effectively enforce laws against sexual harassment. According to the Government, although the law allows victims to sue employers, only a few did so since most feared losing their job as a result or worried about the difficulty of proving the violation. On May 2, Casablanca police allegedly briefly detained journalist Zineb El Rhazoui and others in the Alternative Movement for Individual Liberties to prevent them from conducting a sit-in to raise awareness about sexual harassment.

Contraception is legal, and most forms were widely available. Individuals and couples were able to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The Ministry of Health ran two programs: one with mobile clinics providing maternal and child health and family planning services in remote rural areas and the other involving systematic home visits to encourage the use of contraception and to provide family planning and primary health care services. Emergency contraception (EC) became available in late 2008. In practice NGOs report that women often faced obstacles in obtaining EC from pharmacies. Skilled attendance at delivery and in postpartum care was available for women who could afford it. According to statistics compiled by the World Health Organization, UN Children's Fund (UNICEF), UN Population Fund, and World Bank, there were approximately 110 maternal deaths per 100,000 live births in the country in 2008. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Women's inheritances, which are determined by Sharia for Muslims, vary depending on circumstances, but are less than men's. Under Sharia, daughters receive half of what their brothers receive, and if a woman is the only child, she receives half and other relatives receive the other half. A sole male heir would receive the entire estate. Inheritance laws were not changed during the 2004 reform of the family code. Muslim women have the right to pass nationality to their children. Previously, nationality was passed only through the father. Citizenship can only be transferred to a child if both parents are Muslim and if their marriage is recognized by the law.

The Ministry of Interior decreed in 1995 and 2004 that women are entitled to collective lands, which make up one-third of the country's territory. While ministry decrees carry the force of law, implementation has met considerable local resistance from men. Despite considerable lobbying by women's NGOs, implementation of these property laws remains poor and inconsistent. In July 2009, 900 women from tribes around the country protested male-dominated transfer and compensation practices for collectively used tribal lands. The ADFM reported that local authorities, in agreement with tribal representatives, secretly negotiated to provide compensation to men only and failed to publish the list of beneficiaries. In 2008 women

of the Saknia tribe in Kenitra Province were excluded from collectively used lands benefits. In September 2009, on the eve of the celebration of the National Day of Moroccan Women, the courts and Ministry of Justice announced that the minister of interior had recognized that the tribal women had the same rights as men to benefit from the communal land cessions. In August, however, the ADFM reported that implementation stalled. According to the ADFM, if the legislation were to be implemented, up to 2.5 million women could benefit.

The 2004 family code (Moudawana) 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. The Moudawana removed the requirement for woman to have a marital tutor as a condition of marriage, made divorce available by mutual consent, and placed legal limits on polygamy.

Implementation of the controversial family law remained a concern because it is largely dependent on the judiciary's willingness to enforce it, and many judges did not agree with its intent. Corruption among working-level court clerks and a lack of knowledge about its provisions among lawyers were also obstacles to greater enforcement of the law.

There were few legal obstacles to women's participation in business and other economic activities. Women were able to travel, receive loans, and start businesses without their husband's or father's permission. According to 2009 statistics provided by the Moroccan Association of Women Entrepreneurs, more than 5,000 female entrepreneurs operated businesses in the country's formal economic sectors; in addition nearly 2.7 million women worked outside the home, although 75 percent of these women worked in the informal sector. Studies showed that inadequate higher education for women was an impediment for female entrepreneurs in the country. The Government reported that between 2008 and 2009, approximately 656,000 citizens benefitted from government literacy programs, and statistics indicated that 80 percent of program beneficiaries were women. Only slightly more than 40 percent of urban women—and 25 percent of rural women—were literate, further hindering their opportunities for economic participation.

Children.—Since 2007 the law has permitted female citizens to pass nationality to their children. Previously, nationality was passed only through the father.

Girls continued to lag behind boys in literacy and school attendance beyond the primary level.

Although NGOs, human rights groups, media outlets, and UNICEF claimed that child abuse was widespread, there were no conclusive government statistics on the extent of the problem. Anecdotal evidence also showed that abuse of child domestic servants was a problem.

During the year the Ministry of Social Development, Family, and Solidarity operated child protection units in Casablanca and Marrakech. The units coordinated their work and shared statistics with other local agencies, monitored child abuse, offered counseling and legal guidance, and promoted children's rights.

The legal age of marriage is 18 years, but parents may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages, and approximately 31,000 such marriages took place in 2008. An NGO reported that in many cases, a couple was already effectively in a marriage by consensus of their families when a request for underage marriage came before a judge for approval. In 2008 the LDDF issued a report criticizing the Government for the relative ease with which an underage marriage waiver can be obtained.

Children were exploited through prostitution within the country and were victims of sex tourism.

The Government maintained accords with Spain and Italy to repatriate unaccompanied minors, although this did not take place in practice. 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.

The country became a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction with an effective date of June 1. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Community leaders estimated that the size of the country's Jewish population was 4,000 members. Jews generally lived in safety, and the Government provided them appropriate security. There were no reports of anti-Semitic acts, publications, or incitements to violence.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, and access to health care; however, the Government generally did not effectively enforce these provisions. The law provides for regulations and building codes that assure access for persons with disabilities, but the Government did not effectively implement the laws and programs. Although building codes require accessibility for all persons, the codes were rarely enforced. In many cases, builders and building inspectors were unaware of laws requiring accessibility. There is no legislation mandating public accessibility to information and communications. Persons with disabilities had equal access to information and communications; however, special communication devices for the blind and deaf were generally not widely available.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the private and public sectors. In 2008 the Government created 217 integrated classes for children with disabilities. In practice integration was largely left to private charities. Typically, families supported persons with disabilities, although some 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. Educational reforms in the past decade emphasized the use of Arabic in secondary 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 provided television programs in the three Berber Amazigh dialects of Tarifit, Tashelhit, and Tamazight (the dialect spoken by the Amazigh Berbers). The Government also offered Berber Amazigh language classes in the curriculum of 3,470 schools; the language offered varied according to the main dialect spoken in each region. Programs in one of the three Berber Amazigh dialects were increasingly available on both radio and television. The Government also implemented compulsory Berber Amazigh instruction for students at the Ministry of Interior School for Administrators in Kenitra.

Although 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 often do not provide basic governmental services.

During the year authorities began to register traditional Amazigh names of children; they had previously declined to register non-Arab names.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years.

Consequent to the illegality of homosexual activity, there were no reports of societal discrimination, physical violence, or harassment based on sexual orientation, nor were there reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level.

Other Societal Violence or Discrimination.—There were no reports of societal violence against individuals living with HIV/AIDS, but there was a stigma attached to being tested for HIV/AIDS. Persons living with HIV/AIDS in the country faced discrimination and had limited treatment options.

Section 7. Worker Rights

a. The Right of Association.—The constitution permits workers to form and join trade unions. In practice the laws were not implemented in some sectors as well as in some geographic areas. The law provides workers with the right to strike except for certain categories of government employees, including 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. Although 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 into unions. Any group of eight workers may organize a union, and a worker may change union affiliation easily.

The law provides for government intervention in strikes when national security, domestic stability, or vital economic interests are threatened. Employers cannot initiate criminal prosecutions against workers for participating in strikes. Although the

constitution provides for the right to strike, the trade unions complained that at times the Government has used article 288 of the penal code to prosecute workers for striking and to suppress strikes. Article 288 provides for a criminal punishment for those who use fraud or violence to instigate a strike.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, calls for a 10-day notice of a strike, and allows for hiring 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 disperse 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. Less than 6 percent, or 600,000, of the 11.3 million-strong workforce, belonged to a union. A worksite may contain several independent locals or locals affiliated with more than one labor federation. Only unions that have 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was prevalent in many sectors of the economy. According to the labor code, the wages and employment conditions of unionized workers should be agreed in discussions between employer and worker representatives; however, frequently employers unilaterally set wages for the majority of unionized and non-unionized workers. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages. The country's five largest unions negotiate with the Government about national level labor issues. At the sectoral level, any trade union may negotiate with private employers concerning minimum wage, compensation, and other concerns.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. When the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

The law specifically prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities; the law was followed in practice. Family courts have the authority to reinstate arbitrarily dismissed workers and can enforce rulings that compel employers to pay damages and back pay. Unions may sue to ensure that the Government enforces labor laws, and employers may sue unions when they believe unions have overstepped their authority.

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

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory, and clandestine labor, but there were reports that such practices occurred. Girls from rural areas are forced to work as maids in urban areas, and boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. In practice the Government did not inspect the small workshops and private homes where the majority of such employment occurred, given the low number of inspectors and the low level of resources inspectors had at their disposal to investigate. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor; however, the Government did not effectively implement these laws, except in organized labor markets, primarily as a result of limited resources.

According to the labor law, the minimum age for employment in all sectors is 15 years. Children younger than 16 years of age are prohibited from working more than 10 hours per day, with a break of at least one hour. Children younger than 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in non-agricultural work or between 8 p.m. and 5 a.m. in agriculture; however, seasonal agriculture work is excluded from the law. The law prohibits employment of children younger than 18 in stone quarries, mines, or any other positions the Government considers hazardous.

Noncompliance with child labor laws was common, particularly in agriculture and in private urban residences where children worked as domestic employees. In 2006 domestic and international NGOs reported that as many as 87 percent of the coun-

try's underage workers worked on family farms. According to government statistics, during the first half of the year, labor inspectors issued 142 warnings and 45 fines to businesses for employing children between the ages of 15 and 18. In 2009 15 businesses were fined for employing children under the age of 15.

In practice some children were apprenticed before the age of 12, particularly in small family-run workshops in the handicraft industry. Children also worked in the informal sector in textiles, carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. The labor code does not cover domestic labor and, therefore, does not prohibit the employment of child maids or domestics. The Government's statistical agency, the High Commission for Plans, published a report in 2009 estimating that approximately 170,000 female children between the ages of seven and 15 worked illegally as child domestics.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were accused of complicity in the practice. The public generally accepted the concept of adoptive servitude, and parents of children involved were frequently complicit and typically received compensation for their children's work. Most child domestics received food, lodging, and clothing instead of monetary payment. The Government put in place programs to combat and discourage these practices.

According to reports, police, prosecutors, and judges rarely enforced legal provisions on child abuse or on "forced labor in cases involving child domestics,"⁵ 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 Government prosecuted some instances in which employers abused child domestics. In August a woman in Casablanca was sentenced to one year in prison after it was discovered that she repeatedly beat and abused her 12-year-old domestic. In 2009 an Oujda court sentenced the wife of a judge to three years in prison for the abuse of a child domestic.

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 (\$3,235 to \$3,835). 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 five to 10 years. In practice the Government did not systematically enforce these sanctions due to a lack of resources.

The formal and informal sectors continued to flout the application of the legal minimum employment age. According to Justice Ministry officials, no one has been convicted for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The informal sector, where the majority of children work, was not monitored by the Ministry of Labor's small cadre of labor inspectors. There were no labor inspectors dedicated solely to child labor issues, and there were no reports of trainings specific to child labor.

Under the 2006-15 National Plan of Action for Children, the Government expanded coordination with local, national, and international NGOs on education and training programs during the year. The Ministry of Employment and Professional Training, led by the Office of the Director of Work, in conjunction with NGOs, oversaw programs to deal with the issue of child labor. The programs sought to decrease incidents of child labor through awareness raising, financial assistance to needy families, and lowering obstacles to school attendance.

See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The minimum wage was 10 dirhams (\$1.20) per hour in the industrialized sector and 52.50 dirhams (\$6.30) per day for agricultural workers. Informal businesses hired approximately 60 percent of the labor force and 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 to 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 workers, who are primarily citizens of the country.

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. Although 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.

OMAN

The Sultanate of Oman is a hereditary monarchy with a population of 3.3 million, including approximately one million nonnationals. Sultan Qaboos al-Said has ruled since 1970. The sultan has the sole authority to amend the country's laws through royal decree, although ministries draft laws and citizens provide input through the 84-member Majlis al-Shura (Consultative Council), an elected advisory institution. In 2007 approximately 245,000 registered voters participated in generally free and fair elections for all of the council's seats. The Majlis al-Dawla (State Council), whose 71 members are appointed by the sultan, and the Majlis al-Shura review legislation, recommend policy, and conduct studies on public policy. The 32-member cabinet of ministers advises the sultan on government decisions. Security forces reported to civilian authorities.

Citizens did not have the right to change their government; however, operating under the 1996 Basic Law, the Government generally respected the human rights of its citizens. The law and judiciary, including the establishment of a quasi-independent human rights commission, provided means of addressing individual instances of abuse. Principal human rights problems included the lack of consistent independent nongovernmental inspections of prisons and detention centers. Some restrictions on privacy and freedoms of speech, press, assembly, association, and religion remained, yet they were not universally applied. Women faced societal discrimination, and instances of domestic violence were reported. There were also isolated reports that some employers placed expatriate laborers in situations indicative of forced labor or abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the law permitted visits by independent human rights observers, although Freedom House reported in 2009 that access was irregular in practice. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The Government investigated and monitored prison and detention center conditions, and authorities in some cases investigated such claims, but the results of investigations were not documented in a publicly accessible manner. In response to 102 submitted complaints, the quasi-independent national human rights commission met with prison officials in December.

Ombudsman cannot serve on behalf of prisoners and detainees.

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 domestic security, and the Sultan's Special Force has limited border security and antismuggling responsibilities. 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 army, is responsible for secur-

ing the borders and has limited domestic security responsibilities. The security forces performed their duties effectively.

Civilian authorities maintained effective control over the Internal Security Service, the Sultan's Special Force, the Royal Army of Oman, and the ROP. There was no public information about ROP internal disciplinary action. Officers received human rights training as part of the police academy's standard training program.

Arrest Procedures and Treatment While in Detention.—The law does not require police to obtain a warrant before making an arrest but provides that police must either release the person or refer the matter to the public prosecutor. Within 24 hours of referral, the public prosecutor must formally arrest or release the person. Court orders are necessary to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions. Authorities respected these rights in practice. Authorities generally informed detainees promptly of the charges against them; however, there were isolated reports authorities detained without charge foreign workers suspected of being in the country illegally, pending confirmation of their immigration status. There was a functioning system of bail. Detainees generally had prompt access to a lawyer of their choice, and the state provided public attorneys to indigent detainees. Authorities generally allowed detainees prompt access to family members, but police sometimes failed to notify a detainee's family, or the detainee's sponsor in the case of an expatriate laborer, of the detention.

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. Principles of Sharia (Islamic law) inform the civil, commercial, and criminal codes.

On September 22, the sultan abolished the State Security Court by royal decree. Previously, the court reviewed cases involving national security and criminal matters deemed to require expeditious or especially sensitive handling. Civilian and military criminal courts now try such cases. The military tribunal system, to which military and security personnel are subject, has limited outside visibility or access.

Trial Procedures.—The law provides for the right to a fair trial and stipulates the presumption of innocence. Citizens and legally resident noncitizens 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. There is no trial by jury.

Defendants have the right to be present, consult with an attorney in a timely manner, present evidence, and confront witnesses. Courts provide public attorneys to indigent detainees and offer legal defense for defendants facing prison terms of three years or more. The prosecution and defense counsel direct questions to witnesses through the judge. Defendants and their lawyers generally had access to government-held evidence relevant to their cases. Those convicted in any court may appeal a jail sentence longer than three months and fines of over 480 rials (approximately \$1,250). The right to appeal is universal for all cases and individuals. The judiciary generally enforced these rights for all citizens; however, in contravention to the law, some more traditional judges occasionally discriminated against female defendants by requesting they appear in court with their fathers or husbands. In such cases, women could seek redress for such treatment through the courts.

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

Civil Judicial Procedures and Remedies.—Applicable civil procedure codes govern civil cases. Citizens and nationals of other countries were able to file cases in the courts, including lawsuits seeking damages for human rights violations. The judiciary was generally independent and impartial. 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 by government bodies and to 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. Citizens and foreign workers may file complaints regarding working conditions with the Ministry of Manpower (MoM) for alternative dispute resolution. The ministry may refer cases to the courts if it is unable to negotiate a solution.

Court orders were enforced effectively for all persons in the country. There were instances in which courts ruled in favor of foreign domestic workers against their sponsors, requiring sponsors to return the workers' passports and allow them to break the employment contract. In some instances, the court issued orders to apprehend the sponsor and force appearance before the court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for broad governmental discretion, which the Government exercised.

The law does not require police to obtain search warrants before entering homes, but they often obtained warrants from the public prosecutor's office. The Government monitored private communications, including cell phones, e-mail, and Internet chat room exchanges.

The Ministry of Interior 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 ministry approval may result in denial of entry for the foreign spouse at the border and preclude children 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. The Government generally abridged these rights in practice. Journalists and writers exercised self-censorship.

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 interpreted these laws to mean it is illegal to insult any public official, although media reports critical of government ministries occasionally occurred without repercussion.

There are eight privately owned newspapers in the country, four in Arabic and four in English. Editorials generally were consistent with the Government's views, although authorities tolerated limited criticism regarding domestic and foreign affairs, including GCC policies. In addition there were two state-owned newspapers and more than 30 state-owned and privately owned magazines in circulation. The Government owned four radio stations and two television stations and licensed one privately owned satellite-based television station, none of which generally broadcast politically controversial material. There were three private radio stations broadcasting occasional news bulletins supplied by the state-owned Oman News Agency. Access to foreign broadcasts via satellite is permitted and was widespread. There was no permanent international media presence in the country. Occasional international reporting tended to focus on special events or human interest stories.

Three authors remained barred from public and media appearances: Abdullah al-Riyami, a poet and human rights activist; Mohamed al-Yahyai, a journalist and author; and Mohamed al-Harthy, an author and poet. The Government used libel laws and national security concerns as grounds to suppress criticism of government figures and politically objectionable views. Al-Riyami and al-Yahyai were accused and convicted in 2005 of establishing an illegal organization for the purpose of overthrowing the Government. Although they later received royal pardons, their freedom of expression remained restricted throughout the year.

Law permits the Ministry of Information to review all media products and books produced within or imported into the country, but in practice it only occasionally prohibited or censored material viewed as politically, culturally, or sexually offensive from domestic and imported publications. There were no major publishing houses in the country, and publication of books remained limited. All content in both public and private media print outlets was subject to an official, nontransparent review and approval process before publication.

In March the Arabic Network for Human Rights Information and other organizations reported that authorities banned from sale a range of literature, poetry, and historical books prior to the Muscat International Book Fair. A local blog nevertheless published many of these works online in serial format.

Internet Freedom.—The law restricts free speech via the Internet, and the Government enforced the restrictions. The Government's national telecommunications company and the one private telecommunications provider made Internet access available for a fee to citizens and foreign residents. Internet access was available via schools, workplaces, wide area networks at coffee shops, and other venues, especially in urban areas, and approximately 50 percent of the country's inhabitants used the Internet, according to a foreign government.

The Telecommunications Regulatory Authority monitored the activities of telecommunications service providers, which then blocked access to numerous Web sites considered pornographic, culturally or politically sensitive, or competitive with local telecommunications services. The criteria for blocking access to Internet sites were not transparent or consistent, although Web logs were often blocked. Certain ministries blocked access to Web logs and chat rooms during working hours, including the country's most popular web forum, Sablah, purportedly to improve worker pro-

ductivity. Authorities also blocked some Web sites used to circumvent censorship, such as virtual private networks.

The Government placed warnings on other Web sites informing users that criticism of the sultan or personal criticism of government officials would be censored and could lead to police questioning, effectively increasing self-censorship.

Web site administrators or moderators were cautious concerning content and were reportedly quick to delete potentially offensive material in chat rooms, on social networking fora, and on Web log postings, with at least one administrator removing material after the site was blocked whereupon the site became available.

Academic Freedom and Cultural Events.—The Government limited academic freedom, particularly the publication or discussion of controversial matters such as domestic politics, through the threat of dismissal. Academics largely practiced self-censorship. There were no reported cases during the year in which the Government dismissed an academic on these grounds.

Lamhaa, a politically-sensitive Indian film about the Kashmir conflict was banned in July in all GCC countries. Citing inappropriate content, the Government also banned *Sex and the City 2* in May. The appropriate government authority must approve all public cultural events. There were indications that organizations avoided controversial issues due to the belief 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. Authorities enforced this requirement with rare exceptions. The Government rarely restricted freedom of assembly for private religious gatherings.

Freedom of Association.—The law provides for freedom of association “for legitimate objectives and in a proper manner.” The Council of Ministers approved the establishment of nongovernmental organizations (NGOs)—officially recognized as associations—to work on issues relating to women, children, the elderly, persons with disabilities, the environment, and other topics 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 approximately two years, although the process could be as short as two months. Approval time varied based on the level of preparedness of the applying organization and was often longer when a group required significant help from the ministry to formalize its structure. Formal registration of nationality-based associations was limited to one association for each nationality.

No association may receive funding from an international group without government approval. Individuals convicted of doing so may receive up to six months in jail and a fine of 500 rials (approximately \$1,310). 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.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 generally respected these rights in practice. The law does not specifically provide for foreign travel or emigration. In November the Government removed the requirement that a married woman obtain her husband’s consent before receiving a passport.

The Office of the UN High Commissioner for Refugees (UNHCR) did not visit the country during the year, and it did not maintain an office or personnel in the country. Some humanitarian organizations were restricted in their ability to provide refugees with assistance. Specifically, authorities prohibited the UN Children’s Fund (UNICEF) from taking the role of UNHCR in its absence, although other entities had the ability to assist refugees.

The law prohibits forced exile, and there were no reported cases during the year.

Protection of Refugees.—The country is not a party to the 1951 UN Convention relating to the Status of Refugees or its 1967 Protocol. Nevertheless, the law provides for the granting of asylum or refugee status, and the Government has established a system for providing protection to refugees. The ROP is responsible for de-

termining refugee status but did not grant asylum or accept refugees for resettlement during the year. The ROP's system for granting refugee status was not transparent, and the law does not specify a time frame in which the ROP must adjudicate an asylum 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 access to protection for refugees and 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 deportation 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. With the exception of the military and security forces, all citizens 21 years old and older have the right to vote for the Consultative Council, which has no formal legislative powers, but provides a mechanism for citizen input into the establishment of laws.

Elections and Political Participation.—In 2007 more than 60 percent of almost 400,000 registered voters participated in elections for the Consultative Council. 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 next elections are scheduled for October 2011.

The law does not provide for political parties. Civil society organizations, such as the Environmental Association of Oman and various women's associations, did not field political candidates, but provided input to the Consultative Council.

There were 14 women in the 154-seat Council of Oman, which includes the Consultative Council 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.

Section 4. Official Corruption and Government 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, including in the police and security apparatuses. Among other prosecutions, a widely publicized 1.3 million rials (approximately three million dollar) municipal embezzlement case resulted in public prosecution in August. In December a ministerial Deputy Director General was awarded a cash settlement, when a court found that he had been illegally transferred to prevent his promotion, in an abuse of ministerial authority.

Public officials are not subject to financial disclosure laws.

The law does not provide public access to government information. All royal decrees and ministerial decisions were published for public access.

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

No registered domestic human rights NGOs or fully autonomous domestic human rights groups existed in the country. There were civil society groups, however, that advocated for persons protected under human rights conventions, particularly women and the disabled. In the absence of specific human rights groups, during the year the Government took an increasing role in human rights protection and establishing reporting mechanisms.

The Government allowed several international organizations to work in the country without interference, including the UNICEF, the World Health Organization, and the International Labor Organization.

The National Committee for Human Rights, a government-funded human rights commission made up of members from the public, private, and academic sectors, reported on human rights via the State Council to the sultan. The committee began investigating human rights conditions for the country's first national human rights

report for submission to the UN Human Rights Council in 2011. By September approximately 72 cases of alleged human rights violations had been submitted to the committee for investigation, but no figures were available at year's end. The majority of complaints related to court rulings and labor issues, including mistreatment in the workplace and concerns over wages.

Section 6. 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. The Government generally enforced prohibitions on discrimination effectively, although gays faced discrimination under the law and in practice; there were reports of prosecution for homosexual conduct, although information was limited. Social norms also enforced actual discrimination against lesbian, bisexual, and transgender persons.

Women.—The law criminalizes rape with penalties up to 15 years in prison, but it does not criminalize spousal rape. The Government generally enforced the law when cases were reported, but cultural and societal influences may have prevented victims from reporting rape. As a result, there was no reliable estimate of the extent of the problem. Foreign nationals working as domestic employees occasionally reported 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 police. Due to cultural and societal customs, women often sought private family intervention to protect them from violent domestic situations. Authorities generally enforced the law when they were aware such crimes had occurred.

There is no law prohibiting female genital mutilation (FGM). According to a press report, the Ministry of Health conducted a study on the issue during the year and found that it was a broadly accepted practice by both men and women across all ages, especially in rural areas. The Ministry of Health maintains a prohibition on doctors from performing the procedure in hospitals or other health care facilities.

The law does not specifically prohibit sexual harassment. In a 2009 study, 11 percent of women surveyed said they had been sexually harassed.

The Government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics were able to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no legal restrictions on the right to access contraceptives. The Government provided for free childbirth services to citizens within the framework of universal health care. Prenatal and postnatal care was readily available and used. World Health Organization statistics from 2008 indicated a maternal mortality rate of 20 per 100,000 live births. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV. Social and cultural taboos may prevent individuals from seeking treatment.

Despite legal and some social progress, including the appointment of women as ministers, ambassadors, and senior government officials, some social and legal institutions discriminated against women. The law prohibits gender-based discrimination against citizens; however, aspects of Islamic law and tradition as interpreted in the country discriminated against women. In some personal status cases, such as divorce, a woman's testimony is equal to half of a man's. The law favors male heirs in adjudicating inheritance. Women married to noncitizens may not transmit citizenship to their children and cannot sponsor their noncitizen husband's presence in the country.

On May 6, the sultan awarded women the right to appeal marriage prevention claims previously dismissed by lower courts, thereby granting women legal avenues to marry without parental consent. Many women were reluctant to take an inheritance or marriage dispute to court for fear of alienating the family. Illiteracy among women 45 years-old and older hampered their ability to own property, participate in the workforce, or inform themselves about their rights.

Women may own property; however, government officials and banks applied different standards to female applicants for housing loans, resulting in fewer approvals for women. Approximately 0.4 percent of landowners were women. The law equalizes the treatment of men and women in receiving free government land for housing, and in April 2009 the Government began allocating land to women to address concerns about inequality in access to land ownership.

Government policy provided women with equal opportunities for education, and educated women held positions of authority in government, business, and the media, but women still faced some job discrimination based on cultural norms. The law entitles women to gender-related protections in the workplace, such as the right 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. The Government also formed a committee to monitor the country's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women.

On October 17, the country celebrated the first annual National Oman Women's Day, with various events and activities to mark the progress made under the current sultan.

Children.—Citizenship is derived from the father. Women married to noncitizens may not transmit citizenship to their children, yet there were no reported cases of statelessness. Most births were registered promptly; however, authorities granted birth certificates and identification paperwork to children born with nontraditional Omani names only after an unclear and lengthy civil appeals process.

Primary school education for children, including noncitizen children, was free and universal, but not compulsory.

One media article reported a government study which examined the practice of FGM. According to the article, FGM is performed on some girls between the ages of one to nine years-old, although the practice remained prohibited in hospitals and other health centers. Some cases of life-threatening consequences were reported. One girl was brought to a health center because she was bleeding excessively three days after the procedure.

Oman is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was no Jewish population, and there were no reports of anti-Semitic acts or public statements by community or national leaders vilifying Jews. Anti-Semitism was present in the media. Anti-Semitic editorial cartoons depicting stereotypical and negative images of Jews, along with Jewish symbols, were published during the year, primarily in the privately owned daily newspaper *al-Watan*. Unlike in 2009, no overtly anti-Semitic editorials or articles appeared in private or government-owned newspapers.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law provides persons with disabilities, including physical, sensory, intellectual, and mental disabilities the same rights prescribed for other citizens in employment, education, access to health care, or the provision of other state services or other areas. However, persons with disabilities continued to face some discrimination. The law mandates access to buildings for persons with disabilities, but many older buildings, including government buildings and schools, were not retrofitted to conform to the law. 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.

There is no protective legislation to provide for equal educational opportunities for persons with disabilities.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities.

During the year the Government partnered with NGOs and the private sector to address the needs of persons with disabilities and combat cultural and societal discrimination against such persons through special seminars and vocational training. The Government provided alternative education opportunities for over 500 children with disabilities, including overseas schooling when appropriate; this was largely due to lack of capacity within the country. In addition the Ministry of Education in the past partnered with the International Council for Educational Reform and Development to create a curriculum for students with mental disabilities within the standard school system, which was in place throughout the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The penal code criminalizes homosexuality with a jail term of six months to three years. There were no reports of prosecutions for homosexual conduct during the year. Nine prosecutions for sodomy occurred in 2009.

The discussion of sexual orientation in any context remained a social taboo, and authorities took steps to block lesbian, gay, bisexual or transgender (LGBT)-related Internet content. There was no official or overt societal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Other Societal Violence or Discrimination.—There were no reports of societal violence against persons with HIV/AIDS. The Government does not permit foreigners with HIV/AIDS to work in the country.

Section 7. Worker Rights

a. The Right of Association.—The Government recognizes workers' rights to form unions and a general federation to represent unions in regional and international fora. The law prohibits members of the armed forces, public security institutions, government employees, and domestic workers from forming or joining unions. At year's end, according to the MoM, there were nearly 100 unions at the enterprise level and one general federation of unions.

The Government restricted union activities to some degree. The law prohibits unions from accepting grants or financial assistance from any source without the MoM's prior approval. Unions must notify the Government at least one month in advance of union meetings. The law permits only one general federation of unions.

Workers have the right to strike, but strikes are subject to certain requirements. The law requires an absolute majority of an enterprise to approve the strike, and notice must be given to employers three weeks in advance of the strike. Strikes occurred and were generally resolved quickly, sometimes through government mediation.

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. In cases where there is no trade union, collective bargaining may take place between the employer and five representatives selected by workers. The employer cannot object to any of the representatives selected. While negotiation is ongoing, the employer cannot act on decisions related to issues under discussion. The law prohibits employers from firing or imposing penalties for union activity.

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

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. There were reports that adult forced labor occurred. Some men and women from South and Southeast Asia, most of whom migrated voluntarily to the country as domestic servants or low-skilled workers in the construction, agriculture, and service sectors, faced working conditions indicative of involuntary servitude. Reports included instances of passports being withheld, restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Some employers of domestic workers, contrary to the law, continued to withhold documents releasing the workers from employment contracts or demanded release fees totaling as much as 600 rials (approximately \$1,560) before allowing the workers to change employers.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits all child labor. The minimum age for employment is 15 years-old, or 18 years-old for certain hazardous occupations. Children between the ages of 15 and 18 may only work between the hours of 6 a.m. and 6 p.m. and are prohibited from working for more than six hours per day, on weekends, or on holidays.

No instances of child labor were reported in the formal sector, where the MoM generally enforced the law effectively. Minor violations resulted in warnings, and employers were given time to correct practices; however, significant violations may result in immediate arrests. In practice enforcement often did not extend to small family businesses that employed underage children, particularly in the agricultural and fishing sectors. As a cultural practice, Bedouin children sometimes participated in unofficial camel races for their families, despite the 18 year-old minimum age for camel jockeys. All official races use robot jockeys.

e. Acceptable Conditions of Work.—The private sector minimum wage for citizens of 140 rials (approximately \$360) per month did not provide a decent standard of living for a worker and family. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses employing fewer than five persons, dependent family members working for a family firm, some categories of manual laborers, and foreign workers. There were reports that migrant laborers in some firms and households worked more than 12 hours a day for as little as 30 rials

(approximately \$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 MoM processed complaints and acted as mediator. In a majority of cases, the plaintiff prevailed, gaining compensation, the opportunity to seek alternative employment, or return to their country of origin in the case of foreign laborers.

The law states an employee may leave dangerous work without jeopardy to continued employment if the employer was aware of the danger and did not implement corrective measures. Employees covered under the labor law may receive 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 free local medical treatment throughout the contract period. Penalties for noncompliance with health regulations are small, ranging from approximately 10 to 100 rials (\$25 to \$250), multiplying per occurrence per worker and doubled upon recurrence.

Inspectors from the Department of Health and Safety of the Labor Care Directorate generally enforced the health and safety standard codes and made regular on-site inspections as required by law. These inspectors received additional training throughout the year in conjunction with the MoM's "Decent Work" program, developed in coordination with experts from the International Labor Organization to establish internationally accepted training mechanisms.

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 hereditary rule by the emir's male branch of the al-Thani family. Sharia (Islamic law) is a primary source of legislation. The emir approves or rejects legislation after consultation with the appointed 35-member Advisory Council and cabinet. There are no elections for national leadership, and the law forbids political parties. In 2007 citizens elected the 29 members of the Central Municipal Council. Reports based on monitoring by the Government-appointed National Human Rights Committee (NHRC) and informal observations by diplomatic missions noted no irregularities. Security forces reported to civilian authorities.

Citizens lacked the right to change the leadership of their government by election. There were prolonged detentions in crowded facilities, often ending with deportation. The Government placed restrictions on civil liberties, including freedoms of speech, press (including the Internet), assembly, association, and religion. Foreign laborers faced restrictions on travel abroad. Trafficking in persons, primarily in the labor and domestic worker sectors, was a problem. Legal, institutional, and cultural discrimination against women limited their participation in society. The unresolved legal status of "Bidoons" (stateless persons with residency ties) resulted in discrimination against these noncitizens. Authorities severely restricted worker rights, especially for foreign laborers and domestic servants.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed torture nor was there an underlying pattern of abuse or discrimination. The 2008 NHRC report cited receipt of information in two cases of "ill-treatment" and indicated that authorities took "due and necessary action." Documentation of abuses was limited, in part due to hesitancy of alleged victims to

make public claims of torture or abuse. The Government interprets Sharia as allowing corporal punishment for certain criminal offenses.

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. In June the Government amended some articles of the criminal law to correspond with the country's commitments in the UN convention, including adoption of the UN's definition of torture and the imposition of sentencing guidelines for abuse and torture. During the year the Government conducted training for law enforcement and military personnel which focused on the prohibition of torture.

In March the Doha Court of First Instance sentenced a police officer to one year in prison for mistreating an Indian citizen who alleged that police intentionally burned him with cigarettes during interrogation in 2006. However, in June the Upper Court suspended the penalty, stating that it was the first time he committed such a crime and that he was unlikely to repeat the abuse.

Courts ordered corporal punishment (flogging) prescribed by interpretation of Sharia in cases of alcohol consumption and extramarital sex by Muslims. On appeal the court typically reduced this sentence to imprisonment or fine. Authorities did not carry out corporal punishment during the year.

Sources allege that at least 18 persons, mostly foreign nationals, were sentenced to flogging for offences related to "illicit sexual relations" or alcohol consumption. It was not known if any of the sentences were implemented.

Prison and Detention Center Conditions.—In some prisons and detention centers, conditions did not meet international standards. The Capital Police Detention Center had improved conditions with beds and separation according to gender. In the state security prison, conditions were generally better than the central prison. The Deportation Detention Center (DDC) held some detainees awaiting civil trial together with persons awaiting deportation. The Ministry of Social Affairs had authority over juvenile detainees and held them separately under the supervision of a social worker.

Prisoners and detainees generally had access to visitors, including their family members, embassy officials, and attorneys. Additionally they were able to observe their religions freely. Prison officials limited access to family and legal counsel at the state security prison. Authorities allowed prisoners and detainees to submit complaints to judicial and administrative authorities without censorship and to request investigation of credible allegations of inhumane treatment. The authorities investigated any allegations, but they did not document the results of these investigations in a publicly accessible manner.

During the year there were no monitoring visits or requests to visit by independent human rights observers. The Government-appointed NHRC conducted regular visits to prisons, jails, detention centers, and the state security prison. Authorities informed the NHRC of the citizenship of prisoners and detainees, and the NHRC monitored the length of each person's detention. Ombudsmen cannot serve on behalf of prisoners and detainees.

According to some embassies, the Government frequently delayed notification of arrest. In 2009 the NHRC reported that the DDC held an estimated 1,000 male and 300 female detainees during the year, although no updated statistics were available during the current year. The Government granted foreign embassy personnel regular access to the DDC, police detention centers, and the central prison. The Government did not approve requests to visit the state security prison but occasionally provided embassies access to state security prisoners at separate locations.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Authorities may detain individuals in the state security prison for indefinite periods under the Protection of Society and Combating Terrorism Law. Processing speed for deportations increased for most DDC detainees during the year with the period of detention ranging from two days to three months.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police under the Ministry of Interior and the state security forces, and the Government employed effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—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. Authorities respected this in practice. The Protection of Society and Combating Terrorism Law provides an exception that permits

detention without charge for as long as two years (in renewable six-month periods) and allows detention for as long as six months without charge for investigation, extendable indefinitely by the prime minister based on the recommendation of the minister of interior or the head of the security services. Decisions under the law are subject to appeal by the prime minister only. The law empowers the minister of interior to detain a defendant for crimes related to national security, honor, or impudence. Although generally unused, a provision of the law permits the prime minister to adjudicate complaints against these detentions.

In most 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. Authorities were more likely to grant citizens bail than non-citizens. Noncitizens charged with minor crimes may be released to their citizen sponsor, although they cannot leave the country until the case is resolved.

Judges may also extend pretrial detention for one month at a time to provide authorities additional time to conduct investigations. The accused is entitled to legal representation throughout the process and prompt access to family members in non-security cases. There are provisions for state-funded legal counsel for indigent prisoners in criminal cases, and this requirement was generally honored in practice. Authorities generally afforded suspects detained under the Protection of Society and Combating Terrorism Law access to counsel but delayed access to family members. Once convicted of state security violations, prisoners were transferred to the central prison.

The Permanent Committee on Examining the Conditions of Inmates at the DDC was charged with reviewing and acting on the cases of those in custody for two months or longer.

Amnesty.—A committee within the Ministry of Interior (MOI) reviews individual cases for possible leniency and makes recommendations to the emir, who customarily grants amnesties on holy days and other special occasions. During Ramadan and on Qatar's National Day, the emir granted amnesty to 134 prisoners. Unlike in previous years, there were no reports that the emir pardoned prisoners on National Human Rights Day.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but the emir, based on the recommendation of the Supreme Judicial Council, appoints all judges. They hold their positions at his discretion. Approximately 75 percent of the judges were foreign nationals dependent on residency permits granted by civil authorities. During the year there were no reports of political or governmental interference or corruption in the courts. Although the emir has the ability to remove judges, he has never exercised the power.

Trial Procedures.—The law provides for the right to a fair trial for all citizens, and the judiciary generally enforced this right.

The law provides defendants the presumption of innocence, and the public prosecution has the burden of proving the charges against the defendant at trial.

Trials are by jury and open to the public, but the presiding judge can close the courtroom to the public if he deems the case to be sensitive. Due to a 2008 Court of Cassation (Supreme Court) ruling, the media has limited access to courts. The ruling followed from media coverage of cases that were still under trial that speculated on the expected verdict. Although journalists must obtain a judge's permission to attend, during the year this practice was suspended and journalists attended court sessions without any restrictions. All sentences are publicly announced.

Lawyers prepare litigants and speak for them during the hearing, with interpreters provided for non-Arabic speakers. Defendants are entitled to legal representation throughout the pretrial and trial process. In matters involving religious issues, Shia and Sunni judges may apply their interpretations of Sharia for their groups. There were 164 Sunni judges and one Shia judge, who independently represented the relatively small Shia population.

The courts reached verdicts in criminal cases within one year of detention 81 percent of the time, according to yearly statistics from the Supreme Court. Normal felony cases generally took from four to six months to produce a verdict and misdemeanors took from two to four months.

Defendants have the right to be present for trial and to consult with an attorney in a timely manner. Their attorneys have access to government-held evidence relevant to their cases, once the case has been filed in the court. Defendants have the right to confront and question witnesses against them and to present witnesses and evidence on their own behalf. Defendants have the right of appeal within 15 days of a decision, and use of the appellate process is common in practice.

There are no separate Sharia courts, but the application of Sharia denied women equal status in certain civil proceedings such as marriage, divorce, and witness testimony. In such instances, a women's testimony was equal to half of a man's.

The high fee for appealing to the Court of Cassation restricts the right to appeal. The appellant must deposit 20,000 riyals (approximately \$5,500) for appeal in a case decided by the court of appeals and 5,000 riyals (\$1,375) in a case decided by the court of first instance. Litigants must deposit 10,000 riyals (\$2,750) for an appeal to the Constitutional Court. Deposits may be seized, in whole or in part, should the court decide to reject the appeal. In some cases, the courts waived the appellate fees if the appellant demonstrated financial hardship.

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

Civil Judicial Procedures and Remedies.—The law and judiciary permit persons with civil grievances to seek redress in the court system, although the majority of administrative decisions by the executive authority are immune from judicial jurisdiction, according to the 2008 NHRC report. The judiciary is not completely impartial and independent in practice. There were reports that police officers tended to favor citizens over noncitizens when preparing reports of minor traffic accidents or disputes, but this favoritism did not occur in criminal or civil cases that reached the courts. For example, on October 14, the Court of Misdemeanors ruled against a prominent Qatari businessman who was withholding the passport of a noncitizen employee that he accused of embezzling money from him. The court mandated the return of the employee's passport, noting that the immigration law provides the right for workers to have access to their passports. The law specifies circumstances that necessitate a judge's removal 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 there were no cases reported during the year.

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 a warrant before police may search a residence or business, except in cases involving national security or emergencies, although none were reported during the year. Police and security forces reportedly monitored telephone calls and e-mails. The Government prohibits all political activity, including membership in political parties for citizens and noncitizens alike.

Citizens must obtain government permission, which was generally granted, to marry foreigners. Male citizens may apply for residency permits and citizenship for their foreign wives, but female citizens cannot apply for either residency or citizenship for their foreign husbands. There were reports that the Government continued to deny Qatari nationality (and entry) to hundreds of persons, most of whom were members of the al-Murra tribe, which was partly blamed for a coup attempt in 1996.

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 or material deemed hostile to Islam, the ruling family, and relations with neighboring states. There were no reports that security authorities threatened individuals and organizations to keep them from publishing certain articles. According to journalists, editors would not permit printing the names of companies involved in labor cases. The law provides the press the right to attend the court proceedings, but reporters must obtain permission from judges to publish trial accounts even after the proceedings are complete.

The 1979 Press and Publications Law provides for restrictive procedures on the establishment of newspapers with criminal penalties and prison 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 2007 the emir established the Doha Center for Media Freedom (DCMF) to protect threatened journalists and to promote the free flow of news and information around the world. In February the DCMF organized a symposium to support issuing a new Press and Publications Law. Participants of the symposium agreed unanimously to abolish the 1979 Press and Publication Law because it does not reflect

the changing political and media environment in the country. The center has been largely inactive and its Web site has been unavailable for over a year.

Citizens discussed sensitive political and religious issues. Members of the much larger foreign population did not express themselves 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 BBC featuring citizens and noncitizens speaking about internationally controversial topics such as whether democracy is more important than wealth and whether France is right to ban the face veil.

Although the seven daily newspapers, three in English and four in Arabic, were not state-owned, the proprietors were members of the ruling family or enjoyed close ties to government officials. The Government reviewed and censored foreign newspapers and magazines for objectionable sexual, religious, and political content. Local news vendors reported that Egyptian newspapers, such as al-Ahram, "were critical of Qatar and were occasionally censored or not allowed in the country."

The Qatar Radio and Television Corporation and customs officials censored material. There were no specific reports of political censorship of foreign broadcast news media or foreign programs during the year.

State-owned television and radio reflected government views. 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.

The Doha-based, Arabic-language al-Jazeera satellite television network focused coverage and commentary on international news. Al-Jazeera and the Government claimed that the channel was independent and free of government influence, but the Government exercised editorial and programmatic control of the channel through funding and selection of the station's management. Al-Jazeera covered local news when there was an international component. In May five Arab women presenters resigned from al-Jazeera after complaining that they were harassed by senior managers for not dressing modestly enough. An internal inquiry cleared the al-Jazeera official and asserted that the channel has the right to dictate how its presenters appear and that it held Arab and Qatari women broadcasters to much higher dress-standards.

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 popular blog "Ikhbareya" which at times published articles critical of the Government. A user who believed a site was mistakenly censored could submit the Web address to have the site reviewed for suitability; there were no reports that any Web sites were unblocked based on this procedure. According to 2009 International Telecommunication Union data, there were an estimated 145,800 Internet subscribers, and 40 percent of the country's population used the Internet. There is no evidence that the Government attempted to collect, request, obtain, or disclose the personally identifiable information in connection with persons' peaceful expression of political, religious, or ideological opinion or belief.

Academic Freedom and Cultural Events.—The constitution provides for freedom of expression and scientific research according to the conditions and circumstances stipulated by law. In practice instructors at Qatar University noted that they often exercised self-censorship. Instructors at 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. Films are censored for political, religious, and sexual content, and for vulgar/obscene language.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for, but regulates, freedom of assembly. Organizers must meet a number of restrictions and conditions to acquire a permit for a public meeting. For example, the director general of public security at the Ministry of Interior must give permission, a decision which is subject to appeal to the minister of interior who has the final decision. Demonstrations were rare, but there were reports of small demonstrations held at Qatar University and the Qatar Foundation in response to the Gaza flotilla incident in late May. Authorities did not intervene in the peaceful demonstrations.

Freedom of Association.—The constitution provides for the right to form groups, defined by the Advisory Council as professional societies. A number of professional societies exist, but administrative obstacles, including the slow pace of procedures required to form such associations, limited this right in practice. The law imposes strict conditions on the establishment, management, and function of professional so-

cieties. They are prohibited from engaging in political matters and must obtain approval from the Ministry of Social Affairs, which can deny their establishment if it deems them a threat to the public interest. Professional societies must pay 50,000 riyals (approximately \$13,740) in licensing fees and 10,000 riyals (\$2,750) in annual fees. Registrations are valid for three years, after which an association must register again and pay new fees. An amendment to this law passed in June requires professional societies to have 10 million riyals (approximately \$2.7 million) in capital funds to be registered. The law allows noncitizens to participate in private societies only in cases in which their participation is deemed necessary to the work of the society. The prime minister must approve their participation, and the number of noncitizens cannot exceed 20 percent of the total membership. Since 2004 the Government only approved 15 professional societies.

No data was available on pending or rejected applications. Informal organizations, such as community support groups and activity clubs, operated without registration, but they may not engage in activities deemed political. The regulations prohibit international affiliation of associations.

During the year the Government did not approve new nongovernmental organizations (NGOs). A 2006 law regarding the establishment of "private establishments having public interest" allows for relaxed requirements for the formation of independent local and international NGOs in the country. Although untested, 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.—For a complete description of religious freedom, please see the 2010 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, but the Government did not fully respect this right in practice. The Government severely restricted foreign travel for noncitizens. All noncitizens require an exit permit from their employers to leave the country, and access to exit permits is dependent on the employer.

There were no reports that the Office of the UN High Commissioner for Refugees (UNHCR) asked the Government to assist internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The law does not explicitly provide for the granting of asylum or refugee status, but in practice the Government occasionally accepts such individuals as "guests."

The only restrictions on in-country movement for citizens concerned sensitive military, oil, and industrial installations. Although there was less emphasis on setting and enforcing "family times" at entertainment areas in Doha, several local malls continued to restrict access to certain areas to foreign workers on weekends. There were also reports that South Asian laborers were prevented from entering Souq Waqif, one of the city's main tourist sites.

The Protection of Society and Combating Terrorism Law allows the Government to prevent some citizens from traveling abroad. Men may prevent adult female family members from leaving the country, but only by seeking and securing a court order. During the year there were no reports that women older than 18 years of age were prevented from traveling abroad.

Official policy severely restricted foreign travel for expatriate workers. A 2009 Sponsorship Law outlawed the practice of employers withholding workers' passports but retained the provision requiring workers to obtain exit permits from their employers before leaving the country. In practice some employers continued to retain workers' passports. Although the law provides an administrative procedure for obtaining an exit permit without an employer's approval, the process was burdensome. Foreign embassies reported that the process was ineffective, and they continued to be requested to mediate disputes concerning exit permits between foreign workers and their sponsors.

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 married to citizens received residence permits and could apply for citizenship, but they were required to relinquish their foreign citizenship. There were no restrictions on emigration from the country. Unlike in previous years, there were no reported cases of the revoking of citizenship.

Protection of Refugees.—The constitution prohibits the extradition of political refugees. 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. The constitution empowers the Gov-

ernment to enact laws on asylum and refugee status. However, as no laws providing for asylum were enacted, the small number of persons granted residence on humanitarian grounds were legally classified as immigrants, not as refugees or asylees. Individuals who were able to obtain local sponsorship or employment were allowed to enter and could remain as long as they were sponsored, but without asylum status.

The Government provided protection against the expulsion or forcible return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in 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; in practice restrictions and uneven application of the law prevented stateless persons from acquiring citizenship. The Nationality Law allows a maximum of 50 noncitizen residents per year to apply for citizenship after residing in the country 25 consecutive years.

Citizenship derives solely from the father. Women do not transmit citizenship to their children, even if the child is born into wedlock in the country. A woman must obtain permission from authorities before marrying a foreign national, but she does not lose nationality upon marriage. According to the UNHCR, there were approximately 1,500 “Bidoon” residents (stateless persons with residency ties) in the country. They suffered discrimination based upon their lack of nationality. The Bidoon were unable to register for services such as education and health care. There were no reports of summary deportation orders issued against long-term residents, including Bidoon persons. The Permanent Committee for Naturalization Affairs commissioned a study in 2008 to determine the extent of these practices, but the results of that study were never made public.

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

The constitution does not provide citizens the right to change their government peacefully through elections. The constitution provides for hereditary rule by the emir’s branch of the al-Thani family. The Advisory Council, whose members the emir appointed, plays an advisory role only and does not exercise significant influence over ministries. The constitutional provision for initiation of legislation by the Advisory Council remained unimplemented. The influence of family and tribal traditions was strong, and the Government did not permit political parties or opposition groups.

Elections and Political Participation.—The emir exercises full executive powers, including appointment of cabinet members. In 2007 citizens elected the 29 members of the third Central Municipal Council to four-year terms. The council advises the minister of municipal affairs and agriculture on local public services. Diplomatic missions noted no apparent irregularities in the elections. Nearly 50 percent of the fewer 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 who were in the country prior to 1930. All citizens older than 21 years of age are eligible to run for seats on the council. The law limits political participation by persons whose citizenship was withdrawn but subsequently restored. These persons are denied the right to candidacy or nomination in any legislative body for 10 years from the date of restoration of their citizenship.

In June the emir postponed national elections for the second time since 2008 and extended the tenure of the current Advisory Council until 2013.

Although the influence of traditional attitudes and roles continued to limit women’s participation in politics, women served in public office as chair of the Qatar Foundation, vice president of the Supreme Council for Family Affairs with ministerial rank, head of the General Authority for Museums, and president of Qatar University. One woman served on the Central Municipal Council and there was one woman serving as a judge on the Court of First Instance.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. There were no reported cases of corruption among police and security forces, and the Government maintained mechanisms to investigate and prosecute corruption cases. Public officials were not subject to financial disclosure laws.

The National Committee for Accountability and Transparency 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 state properties, suggesting leg-

isolation, and training staff. The committee was considered effective in carrying out its mandate.

In November the audit bureau reported it referred 13 cases throughout the year involving public sector corruption and misuse of public funds to the public prosecutor, six of which were referred to the appropriate courts.

The Government published 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 government information, access to information on the Government budget, expenditures, or draft laws was generally not available.

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

There were few human rights organizations operating in the country, including the NHRC, Qatar Foundation for Combating Human Trafficking, Qatar Foundation for Protecting Women and Children, Qatar Society for Rehabilitation and Special Needs, which are all quasigovernmental human rights organizations. No international NGO or international organization focusing on human rights or humanitarian issues was resident in the country, with the exception the Solidarity Center, which has maintained a representative in Doha to work on labor rights issues since March 2009. During the year the Solidarity Center organized several training sessions for foreign communities in the country to explain their rights and obligations under the labor law and sponsorship law. Domestic associations or NGOs may not engage in political activity or be critical of the Government.

The law provides the right to form private independent societies and associations, including NGOs but, since the law's enactment in 2004, the Government approved only one application, which established the Qatar Society for Rehabilitation and Special Needs, an NGO supporting persons with disabilities.

The Government-funded and appointed NHRC investigated local human rights conditions. In December the secretary-general of the NHRC stated that the committee handled 1,012 petitions for assistance during the preceding 12 months; 421 were submitted by citizens and 591 by expatriate workers. In October the Government reorganized the NHRC board and increased the number of members from 12 to 14, of whom four are from government ministries and 10 from civil society. Members from the Government ministries participated in the NHRC's deliberations, but their votes do not count when the NHRC board members vote on resolutions.

During the year the NHRC issued a report on the status of human rights covering 2009.

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

The constitution prohibits discrimination based on nationality, race, language, religion, and disability, but not gender or social status. In practice custom heavily influenced government enforcement of nondiscrimination laws and legal, cultural, and institutional discrimination existed against women, noncitizens, and foreign workers.

Women.—The law criminalizes domestic violence and rape but does not address spousal rape. There were publicized cases of rape involving foreigners, but none were reported involving citizens. In December an Asian man was convicted of raping his daughter and was sentenced to life in prison. The penalty for rape is 10 years imprisonment, or 14 years if the victim is younger than 16 years old. 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 limited due to underreporting by victims who feared social stigma.

There is no law criminalizing domestic violence. According to the NHRC, domestic violence may be prosecuted under the criminal law that provides a general prohibition against violence. According to the quasigovernmental Qatari Foundation for the Protection of Women and Children (QFPWC), domestic violence against women continued to be a problem. There were neither arrests nor convictions for family domestic violence among citizens publicized in the press, although there were reports of cases involving noncitizens. During the year 109 cases of domestic abuse against women were reported to the foundation. The QFPWC reported 10 cases of rape, eight cases against women, and two cases against children. The embassy of an Asian country reported that it received four complaints of rape from its citizens serving as domestic workers in Qatar. Three of the cases were settled out of court with the sponsor to avoid criminal investigation.

A 2007 Qatar University study found that 63 percent of 2,778 surveyed citizen and noncitizen female students 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 had considered suicide because they were afraid of the repercussions if they notified authorities.

In 2007 the Supreme Council for Family Affairs (SCFA) established a shelter under the supervision of the QFPWC to accommodate abused women and children. During the year the shelter accommodated 14 women and five children. The shelter provided a variety of services, including financial assistance, legal aid, and psychological counseling.

There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination or coercion. There was no direct government support for access to means of contraception, but contraceptives were freely available without a prescription. Licensed medical professionals attended mothers at birth, and maternal care was readily available. The lifetime risk of maternal mortality in the country is one in every 2,700 women. Men and women were treated equally for sexually transmitted diseases (STDs). All STDs were reported to the Ministry of Health.

The legal system allows leniency for a man found guilty of committing a so-called "honor" crime against a woman for perceived immodesty or deviant behavior. There were no reports of honor crimes during the year. In July there was a report of a foreign resident convicted in the 2007 murder of his wife whose sentence was limited to 10 years because he was motivated by his wife's alleged sexual affairs.

In some cases, sponsors sexually harassed and mistreated foreign domestic servants. Most domestic servants did not press charges for fear of losing their jobs. Sexual harassment is illegal and carries penalties of imprisonment or fines. A foreign embassy reported 700 cases of sexual harassment against domestic employees in 2008, the majority by citizen employers. There were no updates to these statistics at year's end. When the domestic employees brought harassment to the attention of authorities, the employees were often deported and no charges were filed against the employer. There were reports of increases in the number of complaints alleging physical abuse and sexual harassment.

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. However, traditions and interpretation of Sharia disadvantaged women in certain cases. For example, the Government adhered to an interpretation of Sharia that recognizes Muslims have the automatic right to inherit from their Muslim spouses. A non-Muslim spouse (invariably a wife, since Muslim women cannot legally marry non-Muslims) does not inherit unless her spouse wills her a portion (as much as one-third of the total) of his estate. A Muslim husband does not automatically inherit the property of a non-Muslim wife. The proportion that women inherit depends upon their relationship to the deceased; in the cases of siblings, sisters inherit only one-half as much as their brothers.

Citizen women faced legal discrimination in obtaining citizenship for their noncitizen husbands and their children.

In cases of divorce, young children usually remain with the mother, regardless of her religion, unless she is found to be unfit. Sons remain in the custody of the mother until the age of 13 and daughters until the age of 15. In certain conditions, the court may extend the age of maternal custody to 15 years for sons and to the time of marriage for daughters. In exceptional cases, the mother retains custody of children with disabilities with no age limit stipulated. Women who are granted guardianship over their children by law receive their financial rights and associated right of residence.

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 men or women can benefit if they support parents, brothers, and sisters or are older than 35 years. The law is generally applied fairly in practice.

Women may attend court proceedings and may represent themselves, but a male relative generally represented them. In cases involving financial transactions, the testimony of two women equals that of one man, but courts routinely evaluated evidence according to the overall credibility of the witness and the testimony being offered and not on the basis of gender. In 2008 the Government equalized the law on compensation that had previously set the level of compensation to be paid for the loss of a woman's life at half that of a man.

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 Muslims. Female family members can travel freely unless a male family member notifies customs and immigration officials that his permission is re-

quired. There were no reports that the travel of any woman had been restricted in this fashion during the year.

According to the Qatar Chamber of Commerce and Industry, women constituted approximately 13 percent of business owners, mainly operating design companies, fashion establishments, training centers, and beauty centers. Women 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 lacked access to some positions and did not receive equal allowances for transportation, housing, and subsistence.

The SCFA continued its efforts 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, as well as the drafting of legislation affecting women and children.

Children.—Citizenship is derived from one's father. The Government generally registered all births immediately, except for Bidoons. These services remained unavailable to stateless children since all persons must provide proof of nationality to access health care and education.

The Government provides for the welfare of citizen children but not noncitizen children. The Government funds free public education (elementary through university) and health care for citizens. Education was compulsory for all children through the age of 18. In practice this requirement is not enforced for noncitizen children. Schooling is free through primary school (the equivalent of ninth grade) for noncitizen children whose parents work in the Government sector. There was generally no difference in attendance of girls and boys at the primary and secondary levels. Girls were the majority in postsecondary institutions.

There was no societal pattern of child labor or abuse, although there were some cases of family violence and physical and sexual abuse. The QFPWC reported during the year it received 111 cases involving abuse of children. In July the country established a national multidisciplinary committee comprised of a medical team, forensic medical experts, and representatives from the MOI and Qatar Foundation to look into issues of child abuse or neglect in the country. Under section 280 of the criminal law, the penalty for having sexual relations with a person younger than 16 years old is life imprisonment. If the individual is the relative, guardian, caretaker, or servant of the victim, the penalty is death. There are laws prohibiting the marriage of children under the age of 16, but there were rare instances of child marriage within the Bidoon community.

The Government-funded Qatar Orphan Foundation provided shelter, medical care, and education to orphans from birth to the age of 18. The children lived in a modern facility, segregated by age and gender, with adult supervision and medical care.

The QFPWC conducted awareness campaigns on the rights of the child and maintained a special hotline that 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 operated in conjunction with the family abuse hotline; statistics on use were not available.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—Qatar does not have an indigenous Jewish community; the few Jews in the country during the reporting period were foreigners with no restrictions on 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. In a January 2009 sermon on al-Jazeera, Sheikh Yusuf al-Qaradawi called for killing Jews "down to the very last one."

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/tip.

Persons With Disabilities.—The law requires the allocation of resources for persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas and prohibits discrimination against such persons. There was no underlying pattern of abuse of disabled persons at education facilities, mental health facilities, or prisons. The Government is charged with acting on complaints from individuals and the NHRC and enforcing compliance. The law requires that 2 percent of jobs

in government agencies and public institutions are reserved 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 reports of any employer violating this law during the year.

Private and independent schools in general provided most of the required services for students with disabilities, but government schools did not. Few public buildings met the required standards of accessibility for persons with disabilities, and new buildings generally did not comply with standards. The SCFA was charged with ensuring compliance with the rights and provisions mandated under the law, but compliance was not effectively enforced.

National/Racial/Ethnic Minorities.—The Government distinguished between citizens and noncitizens in employment, education, housing, and health services. Noncitizens were required to pay for health care, electricity, water, and education (services provided without charge to citizens). Noncitizens were eligible for medical coverage at a nominal fee. Noncitizens generally could not own property, but the law provides for property ownership in three designated areas.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits same-sex relations between men but is silent concerning same-sex relations between women. Under the criminal law, a man convicted of having sexual relations with another man or boy younger than 16 years old is subject to a sentence of life in prison. A man convicted of having sexual relations with another man older than 16 years old is subject to a sentence of seven years in prison under section 285 of the criminal law. There were an unknown number of cases before the courts during the year. There were no lesbian, gay, bisexual, or transgender (LGBT) organizations in the country. During the year no violence was reported against LGBT persons, but there was an underlying pattern of discrimination towards LGBT persons based on conservative cultural and religious values prevalent in the society.

Other Societal Violence or Discrimination.—There was discrimination against HIV-infected patients. HIV-positive foreigners, whose condition was typically diagnosed during their medical examinations upon arrival in the country, were deported. HIV-positive citizens were quarantined and received treatment.

Section 7. Worker Rights

a. The Right of Association.—The labor law and regulations provide for worker organizations for citizens older than 18 years old in private enterprises that have more than 100 citizen workers. In practice the law makes union formation difficult. The country's labor code allows for only one trade union: the General Union of Workers of Qatar. 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 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 reported attempts to form unions during the year.

The law grants workers the right to strike, but restrictive conditions made the likelihood of a legal strike extremely remote. Civil servants and domestic workers cannot strike, and strikes are not allowed at public utilities or at health or security service facilities. The labor law requires that a strike be approved by three-fourths of the company's workers committee. Such committees are composed of an equal number of representatives from management and labor, making it practically impossible for labor to gain a strike authorization. The Labor Department of the Ministry of Civil Service must rule on all industrial disputes before a strike can be called. During the year there were no strikes reported. Foreign embassies reported several cases in which they intervened to resolve labor disputes reported by their nationals working in the country. In the past, the Government responded to labor unrest by dispatching large numbers of police to the work sites or labor camps involved, and 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, but there were no reports of such gatherings occurring during the year.

On September 23, police arrested and deported approximately 90 foreign laborers working for the al-Badar construction company after striking against the company, in violation of their contracts. Albadar refused to increase the workers' salaries by

10 percent as required by their contract and instead cut the workers' pay by 35 percent, from 1,000 to 650 riyals per month (approximately \$275 and \$180, respectively). All of the workers were jailed for several days and then deported; those who had worked less than two years for the company had to pay for their return tickets home.

b. The Right to Organize and Bargain Collectively.—The labor law grants workers in private enterprises that have more than 100 citizen workers the right to bargain collectively and to sign joint agreements between employer and worker regarding a work-related issue. However, the vast majority of private sector employees are non-citizens and are therefore not allowed to participate in union activities. 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. Foreign workers avoided drawing attention to problems with their employers for fear of retaliation and deportation. The Human Rights Office at the Ministry of Interior served as the point of contact for the complaints of foreign workers who are mostly from South and South East Asia. According to resident embassies of countries with foreign workers present and some individual migrant workers, the Ministry of Labor's Department of Labor Affairs was widely perceived to be objective within its narrow mandate when dealing with the nonpayment of wages. The department claimed that it resolved 80 percent of the 4,046 complaints filed by workers. The ministry referred 282 cases to the labor courts for judgment. A limited number of labor complaints were referred to the criminal courts, but statistics were not publicly available.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. However, there were reports that such practices occurred. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Foreign workers from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Jordan, and China voluntarily entered the country for work only and, in many cases, worked under circumstances that constituted forced labor such as withholding of passports and travel documents, refusal to grant exit permits, and working under conditions they did not accept originally. These conditions were found primarily in the construction and domestic labor sectors.

The Sponsorship Law that took effect in March 2009 gives the Ministry of Interior the power to transfer temporarily a worker's sponsorship to another employer if there is a legal dispute between the worker and the original employer. According to government figures, more than 85 percent of the workforce was composed of foreign workers who, dependent on their employer for residency rights, were vulnerable to abuse. For example, employers must consent to and the ministry must approve granting an exit permit to any foreign employee. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. Workers could report such cases to the Human Rights Office. 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, specifically the Ministry of Labor, generally enforced this prohibition through labor inspections. The labor law stipulates the minimum age for employment is 16 years old. The labor law provides that minors between the ages of 16 and 18 can work with parental or guardian permission and some children worked in small, family-owned businesses such as small markets or as office clerks. Minors may not work more than six hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The Labor Department may prohibit the employment of minors in jobs 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 other cases involving the employment of minors, the punishment is three years' imprisonment or a fine of approximately 10,000 riyals (approximately \$2,748). During the year there were no reported cases, and there have been no prosecutions under this law.

e. Acceptable Conditions of Work.—There is no minimum wage. The median 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, but 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 of at least a 25 percent wage supplement. Government offices and major private sector companies adhered to this law; it was often not observed with respect to unskilled laborers, construction workers, and domestic and personal employees, the majority of whom were foreigners. Many such workers frequently worked seven days a week and more than 12 hours a 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, by withholding wages or paying wages late, as well as withholding passports. Some cases involved rape and physical abuse. A number of foreign embassies provided temporary shelter to their nationals who left their employers because of abuse or disputes before transferring the cases to local government officials. According to these embassies, the majority of cases were resolved within 48 hours by their mediation efforts between employee and employer. 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.

One foreign embassy reported that it received approximately 3,000 complaints during the year; most related to nonpayment of salaries, failure to pay overtime, alteration in promised job and salary scale, alteration in contract terms after arrival, overload of work, compelling company's workers to work as domestic helpers, delayed stamping of resident permit, poor access to health care facilities, maltreatment, and physical abuse. Changes in the sponsorship law accounted for a steep drop in the number of complaints against sponsors for retaining employees' passports. The fine for withholding an employee passport is 10,000 riyals (approximately \$2,747). Another foreign embassy received between 50 and 60 complaints of abuse a day, including sexual harassment, delay and nonpayment of salaries, forced labor, contract switching, passport retention, poor accommodations, 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. Laborers and domestic workers can report cases of physical abuse directly to the police and make all other labor complaints to the Department of Labor.

According to a foreign embassy, 191 of its reported 300,000 citizens working in the country died during the year with heart attacks claiming 103; traffic accidents, 46; work-related accidents, 19; and suicides, 23. Police investigated the work-related deaths, but the results were not made public. Local support groups believed authorities reported the cause of death as heart attacks to hide workplace deaths. A foreign embassy reported a decrease in the overall number of complaints during the year.

There were government regulations regarding worker safety and health, but enforcement, which is the combined responsibility of the Ministry of Energy and Industry, the Ministry of Health, and the Labor Department, was uneven due to insufficient training and lack of personnel. Diplomatic representatives visited labor camps and found most unskilled foreign laborers living in cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food. The Labor Inspection Department conducted random inspections of labor camps and, when it found them below minimum standards, the operators received a warning, and authorities ordered them to remedy the violations within a specified period of one month. If they did not remedy the violations, the Labor Department referred the matter to the public prosecutor for action. From January to October, 11,311 inspections took place, observing work and labor housing sites out of which 9,543 were found acceptable, 790 unacceptable, and 963 still under investigation. Foreign labor officials reported that conditions at most labor camps in the country remained far below international standards. A foreign embassy reported acceptable conditions at the three camps that house its nationals, and 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 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 order to convert a visitor's visa to a work visa, the individual must find a job and have his prospective employer submit paperwork to the Ministry of Interior requesting the transfer of visa status. These requests usually are rejected, forcing the individual to travel out of Qatar and return immediately under the work visa.

SAUDI ARABIA

The Kingdom of Saudi Arabia is a monarchy ruled by the Al Saud family. The population is approximately 28.5 million, including 5.8 million foreigners. Since 2005 King Abdullah bin Abdulaziz 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 Sharia (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 Qur'an 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. Security forces reported to civilian authorities.

The following significant human rights problems were reported: no right to change the Government peacefully; torture and physical abuse; poor prison and detention center conditions; arbitrary arrest and incommunicado detention; denial of fair and public trials and lack of due process in the judicial system; political prisoners; restrictions on civil liberties such as freedoms of speech (including the Internet), assembly, association, movement, and severe restrictions on religious freedom; and corruption and lack of government transparency. Violence against women and a lack of equal rights for women, violations of the rights of children, trafficking in persons, and discrimination on the basis of gender, religion, sect, and ethnicity were common. The lack of workers' rights, including the employment sponsorship system, remained a severe problem.

Increased efforts to protect women and children against domestic violence through the National Family Safety Program, as well as the Human Rights Commission, reflected a significant human rights achievement.

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 politically motivated killings during the year. However, closed court proceedings in capital cases made it impossible to determine whether the accused were allowed to present a defense or were granted basic due process, and there were reports that the Government killed civilians in conflict.

The Government reportedly announced 26 executions during the year, all by beheading. Death sentences for two women and one man convicted of witchcraft and sorcery were reportedly vacated. On November 10, the Supreme Court overturned the death sentence for Lebanese national Ali Hussein Sibat convicted on charges of sorcery and requested that a new panel of judges reexamine the case and issue a less severe punishment, such as deportation. The Government executed 67 persons in 2009 and 102 persons in 2008.

There was no update on the reported June 2009 death in custody of Abdullah al-Rumian, a Saudi militant extradited from Iraq, in the state security detention center at Al-Ha'ir (security offenders are held in the detention center, criminal offenders in the prison).

There were media reports that Saudi armed forces killed Yemeni civilians in cross-border air and artillery strikes against Houthi rebels from Yemen more than a week after a January 23 cease-fire. During the year the Houthis claimed there were 14 deaths through February 5, including some women and children. The Government claimed its attacks, which began in November 2009, were within Saudi territory and intended to eliminate armed groups of Houthi rebels who had killed three border guards and wounded 15 other members of the security forces in the border region of Jebel al-Dukhan. In December 2009, according to press reports, Saudi attacks killed 54 civilians in the town of Al-Nadheer and injured an unknown number.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 2 of the Law of Criminal Procedure and other legal provisions prohibit torture and hold criminal investigation officers accountable for any abuse of authority. Sharia, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. Government officials claimed that Ministry of Interior (MOI) rules prohibiting torture assured that such practices did not occur in the penal system, and the president of the Governmental Human Rights Commission (HRC) conducted prison visits in 2009 to ascertain that torture did not occur in prisons or detention centers. Nevertheless, during the year there continued to be reports that authorities sometimes subjected prisoners and detainees to torture and other physical abuse.

On December 1, 32-year-old Yemeni Sultan Muhammad Abdo Doais reportedly died in the custody of Qassim prison after four years of incommunicado detention. His brother reported to the unlicensed nongovernmental organization (NGO) the Saudi Civil and Political Rights Association (ACPRA) that investigator Nawaf Ibrahim Duwaysh had tortured Sultan to the point that his health had deteriorated and he had become mentally ill. His family was permitted to see him every four months.

There were no updates in the reported cases of torture by prison officials stemming from the June 2009 claims by the NGO Yemeni Network for Human Rights concerning Saleh Salim, three other defendants in the same case, and hundreds of allegedly similar cases in the prisons.

During the year Suliman al-Reshoudi remained in prison on charges of financing and supporting terrorism and was “in and out” of solitary confinement, according to the ACPRA. The royal family-funded NGO National Society for Human Rights (NSHR) confirmed that al-Reshoudi had been indicted and tried. In October 2009 the ACPRA wrote an open letter to King Abdullah highlighting that the 73-year-old al-Reshoudi, a member of the ACPRA, was subjected to “severe physical and psychological tortures,” including tying his feet to a bed frame with two separate chains and being forced into a sitting position throughout the day and shackled at night. The prisoner has been in solitary confinement for three years because of his reform advocacy and activism, according to ACPRA.

There were reports of government officials and employees physically abusing persons during the year; however, the number of reported abuses and corporal punishment declined.

The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), a semiautonomous agency commonly known as the religious police, has the authority to monitor social behavior and enforce morality. There were no reports of police, employees, or volunteers of the CPVPV harassing women and men for being alone in the company of an unrelated person of the opposite sex, although there were arrests for such activities.

Judicially sanctioned corporal punishments were carried out. For example, on March 13, the Riyadh Court of Appeals endorsed a verdict sentencing a man accused of sorcery to eight years in prison and 800 lashes after the CPVPV had arrested him for practicing magic and being involved in other activities allegedly contrary to the teachings of Islam.

On July 10, the daily newspaper Arab News reported that a diabetic prisoner confined to a wheelchair lost his eyesight after being whipped in a prison in Mecca. The prisoner reportedly had been charged with fraud and sentenced to six months in prison and 150 lashes. The NSHR reportedly investigated the case with prison officials and facilitated the prisoner’s release and the payment of his debts. There was no indication that responsible prison officials were prosecuted.

Unlike in the previous year, there were no judicially sanctioned amputations reported.

On September 28, the Saudi Gazette reported that a court in Qatif sentenced two third-grade students to six months in prison and 120 lashes for stealing examination papers.

There were reports that rape and other sexual abuses were widespread during confinement in both men’s and women’s detention centers and prisons. Although there were some female guards in women’s prisons, their supervisors were men. In 2009 local human rights watchers reported that prisoners had been sexually abused in the Buraida Prison in Qassim but did not alert prison authorities due to the stigma and penalties associated with homosexual activities. Human rights activists stated that the MOI was not responsive to requests from independent activists to investigate this allegation.

Prison and Detention Center Conditions.—Prison and detention center conditions varied, and some did not meet international standards. No independent human rights observers visited prisons or detention centers during the year, but the Gov-

ernment permitted domestic organizations, such as the NSHR and the Governmental HRC, to perform some monitoring of prison conditions. In its 2009 annual report, the NSHR registered 682 cases involving prisoners who complained about conditions during the year. The NSHR reportedly monitored health care in prisons and brought deficiencies to the attention of the MOI, which administers prisons and detention centers.

On October 20, the NSHR inspected the Taif Deportation and Detention Center. The Detention Center was dilapidated with inadequate air-conditioning and toilets, but the NSHR noted that living conditions in the Deportation Center were good, and there were no complaints about maltreatment.

In its 2009 report, the HRC found prison conditions below acceptable levels, citing overcrowding and prolonged detention of prisoners and pretrial detainees who had served their sentence. Human rights observers stated that women's prisons were in especially poor condition. On January 29 and on September 22, riots took place at the Women's Correction Center in Mecca. In January the women had complained of poor conditions, including no access to medical care, no family visits, unhygienic food, and physical assaults. Both the nongovernmental NSHR and the MOI's Commission for Investigation and Public Prosecution (CIPP) investigated and verified the complaints, and the NSHR stated that it was monitoring the situation. The Ministry of Social Affairs (MOSA) issued a report recommending that the facility should not receive new prisoners for six months due to overcrowding, that it should employ additional female housekeeping staff, and that modern educational methods replace corporal punishment. The CIPP investigated the September incident; its findings were not reported by the end of the year.

On August 25, the daily newspaper Al-Watan reported the deaths of five Ethiopians resulting from suffocation due to overcrowding in the Jizan Deportation Center. On August 30, the Arab News reported that the NSHR's supervisor general found the health conditions of many inmates in the deportation center to be poor. A governmental committee investigated the deaths; findings were not reported at the end of the year.

There were approximately 29,000 prisoners and detainees, including juveniles and women, according to the UN 2007-08 Human Development Report. The maximum number of prisoners and detainees the facilities were meant to hold was not available.

Pretrial detainees were held together with convicted prisoners. Persons suspected or convicted of terrorism offenses were separated from the general population, according to diplomatic sources, but held in similar facilities. Detainees and prisoners were permitted to perform religious observances. Security prisoners and some other prisoners did not have reasonable access to visitors. There was no information available whether prisoners were able to submit complaints to judicial authorities without censorship or whether credible allegations of inhumane conditions and treatment were investigated and made public. There was no ombudsman to act in behalf of prisoners and detainees.

On July 18, local press reported that HRC President Bandar al-Aiban demanded that the shortcomings in the country's prisons be addressed and that prisoners be guaranteed their legal rights. The Ministry of Justice attempted to improve the pretrial detention process and insist on the prompt release of prisoners upon completion of their sentence. On July 10, the ministry directed courts to expedite prisoner releases so that prisoners were not held for longer than their sentence and stressed that the Penal Procedures Regulations gave prisoners a right to compensation in such cases. On October 5, the Saudi Gazette reported that the MOI's Expatriate Administration in Jeddah deported 1,000 detainees who had been held in the Jeddah Deportation Center for violations of residency laws. Detentions can be prolonged due to delays in issuing required travel documents. Since 2008 the CIPP has reviewed cases of prisoners who served their sentence but remained imprisoned, although the results were not publicly available. According to the NSHR and the HRC, efforts to reduce the number of prisoners in prisons and detention centers included time away from prison and participation in work programs outside prison if warranted by a record of good behavior. In September 2009, in part to address the issue of overcrowding, the Council of Ministers authorized waivers of 15 percent of sentences for inmates with good behavior records who completed educational and vocational training programs in prison; this waiver program was in effect during the year.

d. Arbitrary Arrest or Detention.—The Basic Law provides that a person's actions may not be restricted and a person may not be imprisoned, except under provisions of the law. Nonetheless, because of ambiguous implementation of the law and a lack of due process, the MOI, to which all forces with arrest power report, maintained broad powers to arrest and detain persons indefinitely without judicial oversight or

effective access to legal counsel or family. In practice authorities held persons for weeks, months, and (sometimes) for years.

Role of the Police and Security Apparatus.—The king, minister of interior, minister of defense, and Saudi Arabian National Guard (SANG) commander all have responsibility in law and in practice for law enforcement and maintenance of order. On November 17, Prince Miteb bin Abdullah replaced his father, King Abdullah, in command of the SANG. Crown Prince Sultan, the minister of defense and aviation, was responsible for all of that ministry's armed forces. The minister of interior, Prince Naif, exercised control over all internal security and police forces, except the General Intelligence Presidency, the Government's primary external intelligence agency that reports directly to the king and maintains its own forces. The civil police and the internal security police are authorized to arrest and detain individuals. The semiautonomous CPVPV, which monitors public behavior to enforce strict adherence to Saudi official interpretation of Islamic norms, reports to the king via the Royal Diwan (royal court) and to the MOI.

Security forces were generally effective at maintaining law and order. The Board of Grievances, an administrative judicial commission responsible directly to the king, is the only formal mechanism available to investigate claims of abuse, but its findings were not public. Citizens may report abuses by security forces at any police station, to the HRC, or to the NSHR. The HRC and the NSHR maintained records of complaints and outcomes, but privacy laws protected information about individual cases, and information was not publicly available. During the year there were no reported prosecutions of security forces for human rights violations, but there was at least one investigation into wrongdoing. On August 4, authorities in the Tabuk region investigated a complaint against the CPVPV where they forced a man to come in for questioning under false pretenses. At year's end the outcome of the investigation was unknown.

The HRC in cooperation with the Ministry of Education provided materials and training to police, security forces, and the CPVPV on protecting human rights. On May 17-18, Naif Arab University held a seminar to train members of the Supreme Judicial Council and judges on skills needed to combat trafficking in persons and coordinate with international organizations on the problem. On July 10, 540 CPVPV senior field staff participated in training at the University of Taif to acquaint themselves with regulations relevant to their work. The program consisted of 18 courses administered over six consecutive training periods. On July 27, members of the CPVPV participated in a five-hour workshop with 20 specialists to discuss the organization's performance, learn how to address its audience, and present a positive and professional image.

Arrest Procedures and Treatment While in Detention.—According to the Law of Criminal Procedure, "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." Authorities may summon any person for investigation, and an arrest warrant may be issued based on evidence, but warrants sometimes were not used, and they are not required in cases of probable cause. There was a functioning bail system for less serious criminal charges. The law does not specify a timeframe for access to a lawyer, although the law provides the accused the right to seek legal assistance; the practice is for the state to provide a lawyer for indigents. There were no established procedures providing detainees the right to contact family members following arrest. The law specifies a timeframe for judicial determination of the legality of detention by a 72-hour limit on the period of arrest without charges being filed and requiring trial of the detained within six months. Reportedly, authorities frequently failed to observe these legal protections.

Incommunicado detention was sometimes a problem. According to an Amnesty International (AI) report during the year, thousands of individuals detained on security grounds were held in virtual secrecy, although the definition of virtual secrecy was unclear. There were reports of at least one incident involving torture or abuse of persons in such detention.

There were reports of arbitrary arrest and 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.

On March 3, according to the ACPRA, the MOI's security arm, the Department of General Investigation, reportedly arrested human rights activist and student Thamer Abdulkareem al-Kather without charge in Qassim and transferred him to a prison in Riyadh. Al-Kather advocated for prisoners' rights and constitutional reform.

On June 15, the Abu Dhabi newspaper, *The National*, reported that authorities in Jubail in the Eastern Province arrested and imprisoned human rights activist Mekhleef bin Daham al-Shammari without a formal charge. According to the NGO Human Rights First Society, which holds a power of attorney from al-Shammari, the charge in the prison file was “annoying others” (see section 2.a., Internet Freedom). Government sources stated that al-Shammari held unlicensed political meetings, an illegal activity.

According to the ACPRA, the following activists were also among those detained without official indictment or court ruling at year’s end: Abdulrahman al-Shomairi, Ali Khosifan al-Qarni, Mousa al-Qarni, Saud al-Hashemi, Abdulrahman bin Sadiq, Saifaldeen Faisal al-Sherif, Mansour al-Otha, Abdulrahman Khan, Muhammad al-Otaibi, and Khalid al-Omair. According to Human Rights Watch (HRW), most of these activists had been detained since 2007. The media reported allegations that the activists financed terrorism outside the country. The ACPRA claimed in an open letter to the king that the Government uses religion and the counterterrorism campaign to criminalize, incarcerate, and discredit advocates of reform. In 2008 the ACPRA and outside supporters organized a two-day hunger strike to protest these activists’ ongoing detention. On August 28, authorities charged one of the activists, Suleiman al-Reshoudi, with financing and supporting terrorism after his lawyer filed a lawsuit based on the legal requirement that a detainee be released if court procedures have not begun within six months of his detention.

Arbitrarily lengthy pretrial detention was a problem. According to the NSHR’s 2009 report, the MOI did not respect the Punitive Procedures Law in arresting and detaining suspected terrorists. Suspects remained in detention in regions far from their families and for years without trial.

In 2009, following its 2007 report claiming that some police officers detained individuals without justification or threatened them into making confessions or giving information relevant to an investigation, the NSHR called for a neutral party to evaluate defendants’ claims of torture to obtain confessions by force.

The CPVPV are required to have a police officer accompany them at the time of an arrest, although conformity to the regulation was sporadic. Particularly in the more conservative Nejd region, the CPVPV accosted, abused, and detained citizens and noncitizens, especially women, for allegedly violating dress and behavior standards.

Amnesty.—During the year the king continued the tradition of tempering judicial punishments. The details of the cases varied, but the demonstration of royal mercy sometimes included reducing or eliminating corporal punishment, for example, rather than wiping the slate clean. However, the remaining sentence could be added to a new sentence if the pardoned prisoner committed a crime subsequent to his release. There were pardons or grants of amnesty on special occasions. On August 12, the Saudi Gazette reported that the king pardoned 60 inmates from prisons in the Al-Baha region. On September 2, the king reportedly pardoned 60 prisoners in Al-Ahsa Prison as part of his traditional Ramadan pardon.

e. Denial of Fair Public Trial.—The 2007 Law of the Judiciary provides that judges are independent and are subject to no authority other than the provisions of Sharia and laws in force. In practice the judiciary was not independent as it was required to cooperate with the executive and legislative authorities with the king as arbiter. Although allegations of interference with judicial independence were uncommon, the judiciary was subject to influence. The courts did not attempt to exercise jurisdiction over senior members of the royal family. There were problems enforcing court orders.

Rather than a penal code, Sharia as interpreted in the country is the basis of the penal system. The Council of Senior Religious Scholars (Ulema), an autonomous advisory body, has the authority to determine how judges should interpret Sharia. The council consists of 21 senior religious jurists, including the minister of justice.

Sharia is not based on precedent and rulings can diverge widely. Judges may base their decisions on any of the four Sunni schools of jurisprudence. In practice judges usually follow the Hanbali School of jurisprudence. Shia citizens use their own legal traditions, namely the Jaafari School, to adjudicate intra-Shia cases involving domestic problems, inheritance, and Islamic endowments and are subject to Sunni jurisprudence in all other disputes.

The military justice system has jurisdiction over uniformed personnel and civil servants charged with violations of military regulations. The defense minister and the king review the decisions of military tribunals. Information on the existence of military tribunals separate from the military court system was not available.

In 2008 the Government established a Specialized Criminal Court (SCC) within the existing court system to handle terrorist cases. In a decision to promote judicial

efficiency and consistency, the Supreme Judicial Council was given jurisdiction to establish, abolish, and merge courts and specify a court's jurisdiction. The SCC follows the 2007 Law of Criminal Procedure.

In July 2009, without publicizing names or charges, the Ministry of Justice announced that the SCC had tried 330 persons since its creation; almost all were judged in closed trials, the first publicly reported trials since 2003 for terrorism offenses. Seven of the individuals were acquitted; sentences for the others ranged from fines to the death penalty.

Trial Procedures.—Laws and regulations state that defendants should be treated equally in accordance with Sharia. The Law of Criminal Procedure states that court hearings shall be public; courts may be closed at the judge's discretion, and many trials during the year were closed. According to the Ministry of Justice, a trial may be closed depending on the sensitivity of the case to national security, the reputation of the defendant, or the safety of witnesses.

According to the Law of Criminal Procedure, there is neither presumption of innocence nor trial by jury. The law provides defendants the right to be present at trial and to consult with a lawyer during the investigation and trial who may present arguments in criminal courts. According to the HRC, at the Government's discretion, an attorney may be provided to indigents at public expense. Defendants also have the right to confront or question witnesses against them and present witnesses in their behalf. However, the court presents the witnesses. The Law of Criminal Procedure provides that a CIPP-appointed investigator questions the witnesses called by the litigants before the initiation of a trial and may hear testimony of additional witnesses he deems necessary to determine the facts. There is no right to access to government-held evidence. Defendants may request to review evidence, and the court decides whether to grant the request. The court must inform convicted persons of their right to appeal rulings.

Sharia as interpreted by the Government extends these provisions above to all citizens and noncitizens; however, the law and practice discriminate against women (see section 6), nonpracticing Sunni, Shia, and persons of other religions. For example, judges may discount the testimony of nonpracticing Sunni Muslims, Shia Muslims, or persons of other religions; sources reported that judges sometimes completely ignored testimony by Shia.

On October 25, the Arab News reported and government sources confirmed that the High Court on September 25 rejected an appeal in Rizana Nafeek's death sentence case. In 2007 a court convicted Nafeek, a Sri Lankan domestic worker, of killing an infant in her care; she had no legal representation, and an initial appeal hearing revealed that her interpreter may not have been qualified.

Political Prisoners and Detainees.—National security interests made it impossible to ascertain the legal basis for detention and whether it complied with international human rights norms and standards. Accordingly, the number of political prisoners or detainees who reportedly remained in prolonged detention without charge could not be ascertained during the year. The Government asserted that secret detentions were in conjunction with its efforts to combat terrorism. International NGOs, AI in particular, criticized the Government for abusing its antiterrorism prerogatives to arrest some members of the political opposition. Security detainees were not given the same protections as other prisoners or detainees. Security suspects arrested by the internal security police remained incommunicado in special prisons during the initial phase of investigations, which could last indefinitely. Authorities restricted family and legal access to detainees; no international humanitarian organizations had access to them.

According to a March 23 HRW report, in November 2009 the domestic intelligence service arrested Munir Jassas, a Shia government critic who operated the "Tahera" Internet forum and allegedly commented publicly on articles critical of the royal family. He told his wife he had been arrested and held in solitary confinement for four months because of his Internet writings. He remained detained without charge at year's end.

Civil Judicial Procedures and Remedies.—Rather than Sharia courts, specialized tribunals in the executive branch decide civil disputes relying on regulatory and legislative precepts and provide administrative remedies. These tribunals hear claims against the Government and enforce foreign judgments.

On December 19, the Saudi Gazette reported that a family had lodged an appeal for the reinstatement of their citizenship with the Riyadh governorate. A tribal elder had stripped them of their citizenship by claiming to government authorities that the head of the family was not a Saudi citizen, reportedly in retaliation for a dispute over a bride. The case was pending at year's end. Contacts reported that the enforcement of civil court orders was problematic in the country.

Claims for damages or an end to human rights violations can also be brought to the Higher Administrative Court, which specializes in cases against government departments and reports directly to the king. There were no reports of any such cases during the year or in the previous year. Instead, complainants generally referred their cases to the HRC, which either advocated on their behalf or provided courts with opinions on their cases. The HRC was generally responsive to complaints; domestic violence cases were the most common. During the year the HRC's caseload included 36 cases involving women seeking nationality for their children, 32 cases of women desiring to work or seeking a safe work environment, and 30 domestic abuse cases. The HRC took up the case of Hadi al-Muti, sentenced to an additional five years' imprisonment for criticizing the country's judicial system and human rights record (see section 2.a.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Basic Law and royal decrees provide that residences are inviolable and may not be entered or searched without their owner's permission, except in cases set forth in the law. Laws and regulations prohibit officials from intercepting mail and electronic communications, except when deemed necessary during internal security and criminal investigations; in such cases police must demonstrate reasonable cause and obtain permission from a provincial governor. The Basic Law provides for the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant before searching a residence or a court order before perusing personal correspondence and documents.

In practice the Government used the considerable latitude provided by the law to monitor situations legally and interfere where security, religion, or other national interests were deemed to be involved.

For example, the Government strictly monitored all political activity and took punitive actions, including arrest and detention, against persons who appeared to oppose the Government. There were reports from human rights activists of government efforts to monitor or block mobile telephone or Internet usage ahead of planned demonstrations. The Government did not respect the privacy of correspondence or communications. Customs officials routinely opened mail and shipments to search for contraband. In some areas MOI informants reported "seditious ideas," "antigovernment activity," or "behavior contrary to Islam" in their neighborhoods.

On August 2, according to the NGO Arabic Network for Human Rights, members of the MOI's investigation service raided the farm of prominent Shia preacher Muhammad Muhammad Ali al-Emary in Medina, confiscating materials with Shia slogans and arresting al-Emary and his son, Kazim. Al-Emary's ranch includes a mosque and is considered a prominent Shia religious center in Medina.

The CPVPV enforced strict standards of behavior; however, since there are no clear standards for what constitutes improper attire or prohibited gender mixing, enforcement of these rules was arbitrary. On March 17, the Saudi Gazette reported that the CPVPV allegedly assaulted a man in Medina and held him inside a restaurant because his trousers were regarded as "immoral." Police took him into custody, held him at the police station for four hours, and then released him on bail. The CIPP was investigating the case.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government actively impeded criticism and monitored citizens' political activity. The law forbids apostasy. 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."

During the year authorities released university professor Sa'id Bin Zu'air from prison, according to the NSHR. According to AI, he was arrested in 2007 on charges of financially aiding terrorists; other sources claimed he was arrested to prevent him from appearing on Al Jazeera television and criticizing the Government.

In September 2009 Hadi al-Mutif, a Shia imprisoned since 1994 for apostasy, received a further five-year sentence for statements on a smuggled video tape criticizing the judicial system and the Government's human rights record. He reportedly remained incarcerated in solitary confinement at year's end.

The Government owned most print and broadcast media and book publication facilities in the country, and members of the royal family owned or influenced those that were privately owned and nominally independent, including various media outlets and widely circulated pan-Arab newspapers, such as Ash-Sharq Al-Awsat and Al-Hayat. The Government owned, operated, and censored most domestic television and radio outlets. Privately owned satellite television networks headquartered outside 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. Foreign media are subject to licensing requirements from the MOI and cannot operate freely.

The legal structure permitted the Government broad leeway in controlling the media through lawful controls on newsprint, printing presses, licensing, and media content. The Ministry of Culture and Information must approve the appointment of all senior editors and has the authority to remove them. The Government provides guidelines to newspapers regarding controversial issues. A 1982 media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Governmental Saudi Press Agency reports official government news.

All newspapers in the country must be licensed by the Government. Media outlets can legally be banned or publication temporarily halted if the Government assesses that they promote "mischief and discord, compromise the security of the state and its public image," or "offend a man's dignity and rights"; these formulations provide the Government with latitude in using the law to define public discourse. 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.

Journalists occasionally faced harassment and intimidation through phone calls or e-mails. The Government could ban writers critical of the religious establishment, the Government's activities, or the royal family from publishing. On February 14, the Government banned journalist Muhammad al-Retyan from writing for Al-Watan after he wrote an article that negatively reflected on the visa issuance process in the country and indirectly criticized the system of privileges for relatives of the royal family.

The Government directly or indirectly censored or restricted media content through laws or other mechanisms. The Law of Printed Materials and Publication governs printed materials; printing presses; bookstores; import, rent, and sale of films; television and radio; and foreign media offices and their correspondents. All media activities are subject to the MOI's prior censorship and licensing requirements. On January 27, according to the NGO Committee to Protect Journalists (CPJ), the Government-run satellite operator Arabsat cut the Iranian-owned Arabic-language satellite channel Al-Alam off the air without prior notice. Al-Alam had criticized the Government's involvement in the insurgency in Yemen, an Al-Alam spokesman told CPJ. Censorship resulted in situations such as the Al-Watan editor in chief Jamal Khashoggi's alleged forced resignation on May 17 after the newspaper published an opinion column questioning the country's adherence to a literal interpretation of the Qur'an (Wahhabism); Khashoggi said that the newspaper "should not have allowed an article to question the essence of our faith."

The Consultative Council (Majlis as-Shura), a 150-member appointed body advising the king, frequently allowed print and broadcast media to observe its proceedings and meetings, but the council closed certain high-profile or controversial sessions to the media.

Foreign and domestic journalists practiced self-censorship. In some cases individuals were able to criticize specific government bodies or actions publicly without repercussions. On January 3, the ACPRA wrote an open letter to the king calling the MOI an "oppressive authority" that had blatantly and unlawfully arrested two peaceful activists. In the aftermath of the November 2009 Jeddah flood, government bodies followed the example of the king who demanded accountability from government bodies that seemed to have poorly handled the flood and its effects. On May 25, the Saudi Gazette printed a letter to the minister of education criticizing the lack of vision and clear strategic plan for the country's education. The letter called for greater investment in the latest scientific technologies and in teaching staff.

On October 26, the general court in Qubba sentenced Fahd al-Jukhaidib to two months in prison and 50 lashes for instigating protests against and leading residents to the Government electricity company to demand action. Jukhaidib had written a front-page article in Al-Jazirah, a daily national newspaper, about public anger over electricity cuts. The case was treated as a security infraction, and the Ministry of Culture and Information was not involved in the prosecution.

On December 5, the MOI arrested Muhammad Abdullah al-Abdulkareem, a professor of law at Imam Muhammad bin Saud Islamic University, for posting an article describing political factions in the royal family on his Facebook page. He remained in detention at year's end.

Authorities prevented or delayed the distribution of foreign print media, effectively censoring these publications.

Restrictions, including censorship, limited the operation of publishing houses. Under the Law of Printed Materials and Publication, every author must provide two copies of a prepublication manuscript to the MOI for approval or rejection.

Although satellite dishes were technically illegal, the Government did not enforce restrictions on several million dishes that provided foreign television programming. Access to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was widespread.

Internet Freedom.—The Government restricted access to the Internet. According to 2009 International Telecommunications Union statistics, approximately 38 percent of the country's inhabitants used the Internet.

The official Communications and Information Technology Commission (CITC) monitored e-mail and Internet chat rooms and blocked sites deemed incompatible with Sharia and national regulations. In addition to designating unacceptable sites, the CITC accepted requests from citizens to block or unblock sites. According to CITC's general manager, authorities received an average of 1,800 requests daily to block and unblock sites. According to the NGO Reporters Without Borders, authorities claimed to have blocked approximately 400,000 Web sites. The Government blocked access to and criminalized the publication or downloading of Web sites that it deemed offensive (such as sites involving sex or pornography); contrary to the principles of Islam and social norms, including radical religious sites or sites with controversial religious content (including pages about Hinduism, Judaism, Christianity, and radical Islam); politically sensitive (including human rights); or offensive to the Government or members of the royal family. All Web sites registered and hosted in the country must be authorized by agencies of the Ministry of Culture and Information.

On August 23, the CITC reportedly blocked access to Internet sites that were interpreting fatwas in violation of the August 12 royal decree restricting the ability to issue fatwas to the Council of Senior Ulema. Clerics offering fatwas via text messages were also blocked.

The CITC blocked the Web site of ACPRA and previous iterations since ACPRA's inception in late 2009. The Web site of the NGO Human Rights First Society (HRFS) was also blocked throughout the year. ACPRA reported that the sites of Human Rights Monitor in Saudi Arabia and The Platform of Dialogue and Creativity were also blocked.

Social networking Web sites, including Orkut and Hi5, were often blocked; PostSecret and MySpace were blocked intermittently; but Facebook, with approximately three million users in the country, was blocked only once—on November 13.

Access to the Internet was legally available only through government-controlled Internet service providers. Although the authorities blocked Web sites offering proxies, persistent Internet users could work around the blocked sites and continue to access the Internet via other proxy servers.

Individuals and groups were increasingly able to engage in the peaceful exchange of views via the Internet, including e-mail. Throughout the year the Government used online media outlets and blogs to float ideas to the public on a range of issues previously not discussed in the country. Readers were allowed to post online opinions on issues ranging from child brides to women cashiers to trafficking in persons, and a wide range of respectfully written opinion was represented.

On June 15, Saudi authorities rearrested Sunni activist and writer Mekhlef bin Daham al-Shammary, allegedly for writing articles critical of anti-Shia policy and clerics attacking Shia, according to HRW. Authorities had previously detained him on May 15 for writing Web site articles such as a January 1 article disagreeing with a Sunni preacher's description of Iraqi Shia leader Ayatollah Ali al-Sistani as an "obscene, irreligious atheist" and an April 23 article concerning religious leaders' insistence on focusing on the morality of mixing genders rather than on pressing problems such as unemployment and poverty. He was subsequently released on bail before he was arrested again on June 15. Government officials stated that al-Shammary was arrested for repeatedly holding political meetings with minority groups, which the Government viewed as holding gatherings without a permit. He remained in prison at year's end.

The NSHR confirmed that Raafat al-Ghanem, a popular blogger and founder of a proreform Web site was released from prison during the year. In July 2009 security forces arrested and detained him, presumably for articles criticizing the CPVPV and for signing an appeal for the release of blogger Muhammad al-Otaibi and writer Khaled al-Omair.

The 2007 Law to Fight Cyber Crime imposes up to 10 years' imprisonment and a 4.7 million riyal (\$1.3 million) fine for anyone who creates or disseminates a Web site for a terrorist organization to facilitate communication with leaders of such organizations or promote the organization's radical views. Other laws criminalize defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security. By year's end no prosecutions had

been reported under these laws despite at least two widely reported instances of hacking; Al-Watan's Web site was hacked in November 2009 and September 2010.

The Government was able to collect personally identifiable information concerning the identity of persons peacefully expressing political, religious, or ideological opinion or beliefs. The Government regularly monitored personal conversations via the telephone, the Internet, or other communication devices.

On August 6, the NGO Reporters Without Borders reported that the country threatened to suspend instant messaging and other Blackberry services because the manufacturer did not provide the country access to the user data, allegedly violating wiretapping laws and threatening national security. At year's end these services had not been blocked.

Academic Freedom and Cultural Events.—The Government revised elementary and middle school curricula across the board to include more English, science, history, and social studies and to reduce the amount of religious studies. Informants reportedly monitored classroom discussions and reported to government and religious authorities, in part to curb the development of extremist thought at schools and universities. Academics practiced self-censorship.

Despite self-censorship by organizers, authorities monitored, censored, and closed some cultural events. The Government censored public artistic expression and prohibited cinemas and public musical or theatrical performances apart from those considered folkloric and part of a government approved special event. On April 6, the Ministry of Culture and Information permitted a public "blues" music concert at the King Fahd Cultural Center in Riyadh. Approximately 1,000 men and women attended the mixed-gender event.

On April 23, the Saudi Gazette reported that from February 18 through March 1, the country participated in Jeddah's Asian Film Festival by screening local films to reflect traditions and culture. However, the events were open by invitation only. In July 2009 the Government canceled the widely advertised fourth annual Jeddah Film Festival, after temporarily lifting a restriction on the public showing of films with the screening of a movie in Jeddah and Taif in 2008. Local authorities continued to force closings of social forums in the majority-Shia region of Al-Ahsa.

The ultra-conservative Al-Imam Muhammad bin Saud Islamic University in Riyadh, the principal training institution for judges and imams, hosted a week-long art exhibition entitled "Picturing America."

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The Basic Law does not provide for freedom of assembly, which the Government strictly limited in practice.

Public meetings were usually segregated by gender. Meetings of the Jeddah Chamber of Commerce and Industry and some other commercial and medical events included both men and women. Authorities monitored large nonfamily gatherings, particularly if women were present. The CPVPV dispersed any large nonfamily groups in public places, such as restaurants. Men and women could mix in restaurants of Western luxury hotels that catered primarily to noncitizens and in the family sections of an increasing number of restaurants, which generally ceased the practice of checking identification cards for relationship status.

Security forces usually denied demonstration requests and disrupted and dispersed demonstrators or would-be demonstrators during the year. There were no government-permitted, peaceful political demonstrations during the year. It was a crime to participate in unauthorized public assemblies. On June 14 and on December 22, according to the ACPRA, the MOI prevented a public sit-in in Riyadh demanding that Israel lift the Gaza blockade and protesting prolonged detentions of human rights activists. On December 21, the MOI summoned the sit-in organizers for questioning but released them. The Saudi Gazette reported on August 30 that 200 unemployed university graduates staged a protest outside the Ministry of Higher Education in Riyadh demanding jobs.

In January 2009 police arrested Khaled al-Omar, Muhammad al-Otaibi, and at least 21 others in Riyadh and detained them in unknown locations after the men attempted to protest Israel's military action in Gaza through a public sit-in. Their whereabouts were later revealed, and in late June 2009 the Government charged al-Omar and al-Otaibi with participating in a protest. The charges subsequently were dropped, although 10 of the men (including al-Omar and al-Otaibi) remained in detention at year's end without publicly known charges (see section 1.c.).

In late February and early March 2009, security officers arrested more than 50 Shia citizens, including children, in the Eastern Province for engaging in a peaceful demonstration in solidarity with Shia arrested in the Medina clashes. Authorities held more than 24 individuals until July 2009, when the king granted a pardon.

Freedom of Association.—The Basic Law does not provide for 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 or challenging the regime. All associations must be licensed by the MOI and comply with its regulations. Groups that hoped to change some element of the social or political order reported that their licensing requests went unanswered. The MOI reportedly used arbitrary means, such as requiring unreasonable types and quantities of information, effectively to deny associations licenses.

At year's end the Government had not licensed the HRFS, whose founder, Ibrahim al-Mugaiteeb, applied for a license in 2002. The Government continued to permit its informal operation, but since the group was formally "unlicensed," it remained unclear which activities were permitted and which could draw government criticism or punishment. Without a license the group was unable to raise operating funds, which severely limited its activities.

In October 2009 the newly founded ACPRA wrote an open letter to the king to announce its purpose to promote human rights awareness in society and educate citizens on basic freedoms as elaborated in the Universal Declaration of Human Rights. The ACPRA reportedly did not apply for a license, given the presumed unlikelihood of one being issued, according to one of the group's founders. The 11 founding members of the organization were academics and human rights activists. The group had previously been operating as the Human Rights Civic Society Saudi Arabia organization, which was also unlicensed.

Government-chartered associations observe citizen-only limitations. For example, the Saudi Journalists Association, which operates under a government charter, did not give voting rights in the organization to noncitizen members and prohibited them from attending the association's general assembly.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 contain provisions for freedom of movement within the country, foreign travel, or emigration and repatriation. 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 UNHCR's regional office in Riyadh managed operations in Bahrain, Kuwait, Oman, Qatar, and the United Arab Emirates. The regional office focused on public awareness, fundraising, refugee status determination, and durable solutions for refugees.

Generally the Government did not restrict the free movement of male citizens within the country or the right of citizens to change residence or workplace, provided they held a national identification card (NIC). The law requires all male citizens 15 years of age or older to hold an NIC. For women the NIC was optional, reflecting the different status of female citizens, and could be issued only if a woman's male guardian (grandfather, father, uncle, brother, husband, son, or nephew) consented in writing to its issuance or if she already held a valid passport, also issued only with a guardian's consent. Any transaction with a government agency or public institution required presentation of the NIC. During the year the Government continued to issue NICs to women, despite opposition from religious conservatives. The Government imposed restrictions on women's freedom of movement by prohibiting them from driving motor vehicles. The guardianship system requires a woman to have the permission of her male guardian to work or move freely in the country (see section 6).

There are restrictions on foreign travel, including for women and members of minority groups. No one may leave the country without an exit visa and a passport. Women and minors (younger than 21 years old) require a male guardian's consent to have a passport and to travel abroad. A noncitizen wife needs permission from her husband to travel unless both partners sign a prenuptial agreement permitting the noncitizen wife to travel without the husband's permission. Government entities and male family members can "blacklist" women and minor children, prohibiting their travel. In cases involving custody disputes, the male guardian is legally able to prevent even adult children from leaving the country.

According to a May 11 Arab News report, noncitizen Nazia Qazi succeeded in leaving the country. She had reportedly entered the country in 2007 on a three-month visitor visa to visit her father, who, without her knowledge, asserted his guardianship over her during the visit by submitting sponsorship documents, confiscated her Indian and Canadian passports, and refused to apply for her exit visa, without which she had not been allowed to leave the country.

On July 21, the Arab News reported that a woman urged the MOI Passport Directorate to issue her a new passport because her husband had taken her passport, withdrawn his written permission allowing her to travel, and had absconded to another Arab country along with their children, leaving her unable to follow. At year's end no further information was available.

The Government continued to impose travel bans on some social or political reform advocates. During the year the Government revoked the rights of some citizens to travel outside the country for political reasons but did not provide them with notification or opportunity to contest the restriction.

During the year the Government reinstated the right to travel for human rights activist and lawyer Abdulrahman al-Lahem. His travel ban had been in effect since 2004. In 2008 the Government had prevented al-Lahem from traveling outside the country to receive two human rights awards.

On February 12, authorities reportedly prohibited Fahad al-Orani, one of the co-founders of ACPRA, from leaving the country due to an ongoing travel ban. Authorities also imposed travel bans on Abdullah al-Hamed, a former professor and co-founder of ACPRA, and Matrouk al-Faleh, released in February 2009 after 235 days in arbitrary solitary detention.

On March 2, according to the international human rights NGO FrontLine Defenders, Riyadh airport authorities confiscated human rights Internet activist Muhammad Saleh el-Beady's passport and informed him of a travel ban from July 2009 that he thought had been lifted.

On November 3, the ACPRA announced its intent to file a lawsuit against the MOI for "imposing unjust and arbitrary travel bans" without a judicial ruling in violation of the Basic Law.

Movement and travel of foreign workers remained under the complete control of their employers or sponsors, who held their passports and were responsible for processing residence permits on their behalf.

The Government did not use forced exile, but it has previously revoked the citizenship of opponents of the Government who resided outside the country.

There are no prohibitions on the return of citizens who have left the country. The Government sometimes confiscated passports of suspected opposition members and their families, thereby restricting their freedom to travel.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The Basic Law provides that the "state will grant political asylum if public interest so dictates." The country has no legislation implementing this provision, and therefore the UNHCR is mandated to manage refugee and asylum matters. A temporary stay by UNHCR-recognized refugees is permitted pending identification of a durable solution. The Government generally does not grant asylum or accept refugees for settlement from third countries. 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 strongly encourages persons who do not have residency to leave, and it threatens or imposes deportation. Access to naturalization is difficult for refugees. During the year the UNHCR registered more than 580 refugees in the country.

In law and practice, the Government provided some protection against the expulsion or involuntary return of refugees to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion. Refugees with no residence permit are subject to payment of a fine at the time of departure.

Access to basic services, including health care and social services, is reserved for citizens. Refugees' only access to basic services is through the UNHCR. The Government did not allow the enrollment of refugee children in public elementary schools. Refugees and asylum seekers are unable to work legally. The UNHCR office in Riyadh provided subsistence allowance to vulnerable families based on a needs assessment. Refugees did not have access to courts. There were no reports of mistreatment of refugees and asylum seekers.

According to a UNHCR representative, since 1991 the UNHCR has facilitated the safe and voluntary refugee resettlement to third countries of more than 25,000 Iraqis and an estimated 300 Eritreans.

Stateless Persons.—The country has a significant number of habitual residents who are legally stateless; data on the stateless population are scarce, and the Government was not open to discussing the matter. The UNHCR unofficially estimated that there were 70,000 to 100,000 stateless persons in the country, almost all of whom were native-born Arab residents known as Bidoon; there were also some Baloch and West Africans.

Bidoon are persons whose ancestors failed to obtain nationality, such as descendants of nomadic tribes not counted among the native tribes during the reign of the country's founder, King Abdulaziz; descendants of foreign-born fathers who arrived before there were laws regulating citizenship; and rural migrants whose parents failed to register their births. Since they were noncitizens, Bidoon were unable to obtain passports and had no ability to travel abroad. Their lack of citizenship denied them employment and educational opportunities, and their marginalized status made them among the poorest residents of the country. In recent years the Ministry of Education took steps to admit Bidoon children to school. The Government issued Bidoon five-year residency permits to facilitate their social integration in government-provided health care and other services, putting them on similar footing with sponsored foreign workers.

The Government enforces an Arab League directive against naturalizing the estimated 500,000 Palestinian residents, so they will not "lose their Palestinian identity" and will "preserve their right of return."

Several scenarios lead to statelessness of children under the Nationality Law: (1) A child born before his parents are married is not affiliated with his father legally, even if the father has recognized the child, and therefore is stateless; (2) When identification documents are withdrawn from a parent, the child also loses his or her identification and accompanying rights (this could happen when a naturalized parent denaturalizes voluntarily or loses citizenship through other acts); (3) Children of a citizen mother and a noncitizen father are without nationality, unless the father transfers his foreign nationality to the child; and (4) Children of a citizen father and a noncitizen mother are noncitizens, unless the Government has authorized the marriage of the parents in advance. In addition when government authorities seize a citizen's NIC, his or her children also lose their legal status and become stateless.

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 consultation (shura) and requires the king and crown prince to hold meetings (majlis), open-door events where in theory any male citizen or noncitizen may express an opinion or a grievance. A prince or other important national or local official can also hold a majlis.

The Basic Law provides citizens the right to communicate with public authorities on any matter. The Government interpreted this provision as a right to be exercised within traditional nonpublic means, not by the use of mass media.

In May 2009 a group of 77 human rights civil society activists, including members of the ACPRA, sent a petition to the king condemning secret tribunals, seeking permission for human rights activists to monitor prisons, and demanding political and judicial reforms, including a constitutional monarchy and the limiting of the terms of appointed royal family members in government posts. The petition was copied to the Royal Diwan and 20 senior officials.

Elections and Political Participation.—The Basic Law establishes monarchy as the political system. According to the family monarchy system enshrined in the Basic Law, only a few members of the ruling family have a voice in the choice of leaders, the composition of the Government, or changes to the political system. The Allegiance Commission, composed of 34 senior princes appointed by the king, is responsible for selecting a king and crown prince upon the death or incapacitation of either. 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. The Consultative Council (Majlis as-Shura), a royally appointed 150-member body, advises the king and can propose legislation for further study.

In May 2009 the state news agency reported that the Government postponed municipal advisory council (the only elected government office) elections scheduled for later that year to provide more time to study "expanding the participation of citizens in running local affairs." In the 2005 elections, the first since 1963, only male, non-military citizens at least 21 years old were eligible to vote. 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 the other half of the council seats.

Laws and traditional and cultural practices requiring strict segregation of genders encompassed every aspect of life; however, women increasingly participated in political life, albeit with significantly less status than men. During the year the number of female advisors on the Consultative Council increased from 10 to 13, according to local sources. There were no women on the High Court (women's ability to prac-

tice law is limited) or on the Supreme Judicial Council. There was one woman in a cabinet-level position, as deputy minister for women's education. On September 7, the Saudi Gazette reported that two women were appointed to the board of the Eastern Chamber of Commerce in the Eastern Province after three female candidates running for the election gathered an insufficient number of votes. In October 2009 the Jeddah Chamber of Commerce and Industry reelected one woman to its board of directors; she was chosen as vice chairman of the board. Two more women were appointed for a four-year term.

There are no laws that prevent minorities from participating in political life on the same basis as other citizens, but the dominant societal norms marginalize the Shia population. The Consultative Council included only five Shia members. There were no religious minorities in the cabinet. At year's end there were some Shia judges, all in the Eastern Province.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption by government employees. The Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year, and the World Bank's Worldwide Governance Indicators reflected that corruption was a problem. There was widespread public perception of corruption by some members of the royal family and the executive branch of the Government. During the year the Government did not make publicly available information concerning specific instances of corruption, allegations regarding corruption, or government actions against corruption. However, on November 27, the Saudi Gazette reported that the Board of Grievances overturned 30 percent of all decisions rendered by government bodies during the year for overstepping their authority and other irregularities. Decisions from the Ministries of Health, Municipal and Rural Affairs, Transportation, Hajj, Education, and the Passports Department were affected. In 2008 the Consultative Council asked ministers to appear for questioning in exercise of its oversight responsibility, although some, notably the minister of finance, did not appear. There was no similar exercise in 2009. In 2008 the Court of Grievances delivered 2,695 verdicts on 1,368 criminal cases and 1,327 disciplinary cases against public officials and agencies.

On April 18, Al-Watan reported that the Board of Grievances in Riyadh began trials for 14 staff members of the Ministry of Justice in Jeddah on charges related to the abuse of power. They were allegedly involved in counterfeiting official documents concerning land belonging to King Abdullah University for Science and Technology. There was no further information available at year's end.

On September 21, the Saudi Gazette reported that a Medina Control and Investigation Board report revealed financial and administrative corruption and abuse of power by senior officials at the Medina branch office of the Ministry of Hajj. Violations identified included appointment of unqualified employees to high-ranking positions, nepotism, and abuse of government property.

Throughout the year the media reported investigations of municipal offices and government officials concerning the extensive damages of the 2009 Jeddah flood. Articles reported on the Court of Grievances' trials and on the court order to close the office of Jeddah's assistant mayor in the high-profile probe. In December 2009 the Saudi Gazette reported interim results of the king's order for an investigation into the reasons for the extensive harm caused by the flood, which was reportedly more destructive because bribe taking and corruption in construction, contracting, and land deals led to improper building and engineering. The Government detained and investigated 30 officials and contractors for their involvement in facilitating land ownership and approving government projects in flood zones. On November 25, the files of 20 government employees and contractors were referred to the Board of Grievances on charges of bribery, forgery, illegally profiting from a public position, abuse of power, deception, and breach of trust in connection with the 2009 Jeddah floods. Another group of suspects was under investigation and pending referral to the court.

As of August 2009, the Jeddah Administrative Court had postponed the issuance of a verdict three times in a Taif municipality corruption and bribe-taking scandal totaling 1.4 million riyals (\$373,000). In 2008 the court had convicted 16 Taif municipality employees. Sentences included prison, dismissal from employment, and fines. Seven others accused were absolved of all charges, and two private businessmen were fined 150,000 riyals (\$40,000) each. Appeals continued at year's end.

In 2008 the Arab News requested an investigation into corruption involving contracts for the construction of roads, highlighting a project for which the Government paid 698 million riyals (approximately \$186.1 million) and ultimately performed for only 18.2 million riyals (\$4.9 million). There was no investigation.

The MOI nominates the members of and administratively houses the Prosecution and Investigation Commission, a nominally independent body reporting to the Council of Ministers, that investigates cases of corruption against public service officials. During the first half of 2008, the commission considered 12,466 cases involving public service officials and agencies. The commission identified instances of forgery, bribery, and public mistreatment, among other forms of misconduct. There was no new data from the commission concerning additional cases of corruption at year's end.

Government employees who accept bribes face 10 years in prison or fines up to one million riyals (approximately \$267,000). Public officials were not subject to financial disclosure laws.

The law does not provide for public access to government information, including precision in sources of state revenue and expenditures, such as ministerial budgets or allocations to members of the royal family.

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

The Basic Law provides that "the State shall protect human rights in accordance with the Islamic Sharia"; however, there were government restrictions on, and the Government sometimes did not cooperate with, domestic and international human rights organizations in investigations of alleged violations of human rights.

The MOI licensed one domestic human rights organization, the NSHR, funded through a trust fund from a member of the royal family. The NSHR received requests for assistance and complaints about government actions affecting human rights. The Government accepted the group's advice and opinion and sometimes accepted its recommendations.

There were at least two unlicensed, active human rights groups, the HRFS and the ACPRA. The Government viewed these groups with suspicion and as illegitimately meddling in government affairs. A third, less active group, the National Saudi Committee of Human Rights, has tried unsuccessfully to register since 2003, according to HRW.

On August 11, Okaz reported that the NSHR and Majid Garoub's law firm jointly organized a 10-day human rights training course for 22 law graduates. The training included information on institutions of litigation, the Consultative Council, human rights campaigns, the judiciary, work and rights of women in Islam, the Law of Criminal Procedure, and other topics.

The Government viewed international human rights NGOs with suspicion. The HRC stated that the Government welcomed the visits of legitimate, unbiased human rights groups but added that the Government could not act on the "hundreds of requests," in part because it was cumbersome to decide which domestic agency would be their interlocutor.

In 2009 the Government privately invited some HRW staff members to visit the country, but the Government reportedly did not permit them to conduct research or visit any institutions. HRW's 2008 formal request to visit the country to observe trials of terrorism suspects remained pending at year's end. A 2008 HRW visit, facilitated by the HRC, focused on the review of four HRW reports with 11 ministries but did not permit independent research.

From April 17 to 19, UN High Commissioner for Human Rights Navanethem Pillay visited the country as part of a tour of the Gulf region. During her visit she remarked on the "growing effectiveness" of the national human rights organizations, including the HRC, the NSHR, and the National Family Safety Program (NFSP), in the country. At the same time, she noted the importance of freedom of association, assembly, and expression; the continuation of discriminatory barriers hampering women's rights to shape their lives and fully participate in public life; and the need to protect the rights of vulnerable migrant workers, including replacement of the sponsorship system. On December 27, a delegation of the Office of the High Commissioner for Human Rights visited the country to consult with the HRC, the Ministry of Justice, the Consultative Council, and other government institutions on human rights issues. In 2008 the Government permitted the visit of UN Special Rapporteur on Violence against Women Yakin Ertuerk.

The Government-funded HRC acts as the Government's voice on human rights; its president has ministerial status and reports to the king. According to the NSHR's 2009 report, the HRC "met with weak collaboration on the part of some governmental bodies in spite of the issuance of royal directives." The adequately resourced HRC was considered effective in highlighting problems but had limited capacity to effect change. The HRC worked directly with the king, with a committee composed of representatives of the Ministry of Labor, Consultative Council, MOSA,

MOI, and with the Consultative Council's Committee for the Judiciary, Islamic Affairs, and Human Rights.

The HRC launched a four-year human rights awareness campaign in January that includes extensive outreach at popular festivals, schools, and universities, and liaison work with embassies and through its offices in various parts of the country. On July 27, the HRC provided a two-day training course on human rights issues, regional and international agreements, and their reference to the rights of women and children. On October 13, the HRC held a workshop for several government ministries and NGOs to establish a long-term human rights strategy for the country and promote partnerships to eliminate discrimination and human trafficking. On October 26, the HRC president visited the International Labor Organization (ILO) in Geneva to discuss cooperation on trafficking in persons and labor issues. On December 7, the HRC's women's section hosted a workshop at Prince Sultan University's School of Law to promote human rights concepts, explain international human rights laws to which the country is a signatory, and address legal means available to abused women and the need for more shelters. On December 21, the HRC hosted a first-of-its-kind human rights symposium bringing together government ministries, the HRC, the NSHR, and delegates from labor-sending and Western diplomatic missions to collaborate on building human rights awareness and cooperation to combat human trafficking.

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

The law prohibits discrimination based on race, and Sharia traditions emphasize human dignity regardless of gender, color, or race. The Government generally effectively enforced prohibitions on disability, language, or social status but did not effectively enforce laws prohibiting discrimination based on race.

Women.—Rape is a punishable criminal offense under Sharia with a wide range of penalties from flogging to execution. Generally the Government enforced the law based on its interpretation of Sharia, and courts punished both the victim and the perpetrator. The Government views marital relations between spouses as contractual and did not recognize spousal rape. By law a female rape victim is at fault for illegal "mixing of genders" and is punished along with the perpetrator. Statistics on incidents of rape were not available, but press reports and observers indicated rape against women and boys was a serious problem. The Government did not maintain public records on prosecutions, convictions, or punishments. Most rape cases were unreported because victims faced societal reprisal, diminished marriage opportunities, possible imprisonment, or accusations of adultery. For example, on January 20, the NGO Migrant Rights reported that authorities arrested a Filipina who claimed to have been raped by a Bangladeshi coworker and detained her at Hafer Al Baten Central Jail for having an illicit affair. Her employer contacted the Government to have her repatriated, and her pregnancy was discovered during the mandatory repatriation physical exam. On November 22, Arab News reported that police arrested two accomplices and were seeking the perpetrator of a gang rape. The perpetrator had established an online relationship with a woman and set up a meeting at an apartment where he and his friends raped her and then dropped her at a hospital. The victim was also considered a perpetrator and punished.

There were no laws criminalizing violence against women. Officials stated that the Government did not clearly define domestic violence and that procedures concerning cases, and accordingly enforcement, varied from one government body to another. In the NSHR's 2009 annual report, in which it investigated 257 cases of domestic violence and violations of women's rights, violence was reported against both men and women and included a broad spectrum of abuse. The Government made efforts to combat domestic violence, and the HRC conducted outreach activities at the March Al-Janadriya Cultural Heritage Festival and at the November Children's Festival to educate the public on domestic violence issues as part of its four-year campaign to raise awareness of human rights issues.

The Government supported family protection shelters, although societal criticism for helping women "flee" without properly investigating cases reduced the shelters' effectiveness, according to a July 2009 Arab News report. For example, on October 25, 29-year-old divorced Samar al-Badawi was released from Jeddah's Briman Prison after being held for seven months, ostensibly for disobeying her father regarding her choice of marriage partner. She was released after winning a countersuit to her father's disobedience suit, asking the court to terminate her father's guardianship based on physical and verbal abuse. In 2008 she had fled her father's home to reside in a shelter, was returned to the father's home, and fled to live with another relative. Badawi's father appealed the court's decision, and on October 18, the Supreme Judicial Council stated that it would investigate the lawfulness of the court proceedings. No further information was available at year's end.

During the year the HRC fielded complaints of domestic abuse and referred them to other government offices. The HRC's women and children's branch in Riyadh received 233 complaints during the year, 13 percent of which were domestic violence cases. On August 12, HRW requested the HRC intervene on behalf of Aisha Ali, a divorced mother of three whose guardian brothers reportedly forcibly confined her, beat her, and forced her into five subsequent marriages to which she did not consent. Authorities placed her in a temporary shelter for three months but allegedly returned her to her brothers.

The media carried infrequent reports of sexual harassment as a social phenomenon. The extent of sexual harassment was difficult to measure. The Government's interpretation of Sharia guides courts on cases of sexual harassment. Workplaces maintained separate male and female workspaces where feasible. On January 25, a court in Rass sentenced Sawsan Salim to 300 lashes and one-and-one-half years in prison for filing "spurious" harassment complaints against government officials in court and for "visiting government offices without a male guardian," according to HRW. One of the two judges deciding the case was one of the officials against whom she complained of harassment.

The women's branch of the HRC in Riyadh, according to a December 14 report in the daily newspaper *Okaz*, dealt with 233 cases, in the previous 12 months advising complainants and offering legal assistance to some women litigants. The organization provided facilities for their children distributed publications supporting women's rights in education, health care, development, work opportunities, and the rights of those with special needs.

There were no reports of government interference in the right to decide freely and responsibly the number, spacing, and timing of children. However, decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments require by law the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth, were freely available. Women had ready access to essential prenatal, obstetric, and postpartum care. According to statistics compiled by international organizations, there were approximately 24 maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding equal diagnosis and treatment of sexually transmitted infections, including HIV.

Discrimination against women was a significant problem. After her 2008 visit, the UN special rapporteur on violence against women, 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 women from escaping abusive environments.

Women continued to face discrimination under the law and remained uninformed about their rights. Although they may legally own property and are entitled to financial support from their guardian, women have few political or social rights, and society does not treat them as equal members. The law prohibits women from marrying non-Muslims, but men may marry Christians and Jews. Women may not marry noncitizens without government permission; men must obtain government permission only if they intend to marry noncitizens from outside Bahrain, Kuwait, Oman, Qatar, and the United Arab Emirates.

The guardianship system requires that every woman have a close male relative as her "guardian" with the authority to approve her travel (see section 1.d.). A guardian also has authority to approve some types of business licenses and study at a university or college. Women can make their own determinations concerning hospital care. A husband who "verbally" divorces his wife or refuses to sign final divorce papers continues to be her legal guardian.

Cultural norms restricted women in their use of public facilities. When unrelated men are present, women must sit in separate, specially designated family sections. They are not allowed to consume food in restaurants that do not have such sections. Women risk arrest for riding in a vehicle driven by a male who is not an employee or a close male relative. On September 13, *Okaz* reported that women were allowed to attend Eid-al-Fitr celebrations at a football stadium in Hail. Football stadiums previously were completely off-limits to women.

During the year extremists targeted one cultural establishment that sought to integrate women in its cultural activities. On February 28, according to press reports, the Al-Jouf Culture Club, whose president also received a cell phone text message death threat, was burned for the second time in two years. The club had cancelled a February 23 event entitled "Criticism of women in the Kingdom: Reality and Aspirations." Unknown persons previously set the building on fire in January 2009 after the club hosted poetess Halima Muzafar.

On June 5-11, the Al-Baysalan Art Center in al-Khobar in the Eastern Province featured a photography show entitled "Through Her Eyes," which was open to men and women.

Cultural norms require women to wear an abaya (a loose-fitting, full-length black cloak covering the entire body) in public and to conceal their hair. The CPVPV 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. In rural areas and smaller cities, women adhered to the traditional dress code of covering the entire body, hands, feet, hair, and face.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf. However, they have the option to speak for themselves. In divorce proceedings women must demonstrate legally specified grounds for divorce, but men can divorce without giving cause. In doing so men are 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 are entitled to alimony.

Women faced discrimination under family law and under Sharia inheritance law. Courts awarded custody of children when they attained a specified age (seven years old for boys and nine years old for girls) to the divorced husband or the deceased husband's family. In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Under Sharia inheritance laws, daughters receive half the inheritance awarded to their brothers.

Women had access to free, but generally segregated, education through university level and constituted more than 58 percent of university students. The exception to segregation in higher education was the King Abdullah University of Science and Technology, a coeducational graduate-level research university that opened in September 2009, with women permitted to work jointly with men, forgo the veil in coeducational classes, and drive cars on campus.

Employment opportunities for women were limited, confined mainly to the education and health-care sectors, although increases were occurring in business and finance, social services, and government ministries. Women cannot work as judges or prosecutors.

The law requires a woman to obtain the permission of a male guardian to work if the type of business is not "deemed appropriate for a woman." A woman cannot accept a job in a rural area unless she lodges with an adult male relative who agrees to act as her guardian. The cultural requirement to separate the genders led to discrimination in employment. On August 26, Sheikh Yousef al-Ahmed called on shoppers to boycott the Panda supermarket chain that employed women cashiers because such employment contradicted Islamic principles and facilitated gender mixing. In response the grand mufti summoned al-Ahmed and ordered him to refrain from issuing unauthorized fatwas.

Despite gender segregation, the law grants 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 frequently with government officials. In medical settings and in the energy industry, women and men worked together, and in some instances women supervised male employees. Women who work in establishments with 50 or more female employees have the right to maternity leave and childcare.

On September 20, the Arab News reported that women investors urged the minister of education to investigate discriminatory conditions for women wishing to invest in the women's education sector. Reportedly, women investors needed to obtain a clearance certificate from their legal guardian before they could apply for a license and were required to meet 11 conditions, while men needed to meet only five. On July 21, a local woman reported that she was able to obtain a business license to conduct a translation business without needing the consent of a guardian.

In June 2009 the Saudi Gazette cited a report by the Riyadh Chamber of Commerce and Industry stating that nearly 250,000 women worked in government departments and 45,000 others in private firms. By mid-2009 the Government had established 120 special computer-training centers accredited by the Ministry of Civil Service to help women integrate into the work force.

Children.—Citizenship derives from the father, and only the father can register a birth. There were cases of citizen children denied public services, including education and health care, because the Government failed to register the birth entirely or immediately. On November 1, the Saudi Gazette reported the HRC worked to provide legal documentation to children unable to receive government assistance due to lack of documentation. The number of unregistered births was unknown.

The Government provided all citizen children with free education and medical care, but these benefits did not extend to noncitizen children. Gender segregation

usually began in public and government-sponsored schools at the age of seven, but treatment and attendance at all educational levels was identical.

Abuse of children was common. In 2009 the NSHR registered 72 instances of violence against children, according to its annual report. The NGO 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 Qassim, and one in Jeddah—operated shelters for women and children.

On April 1, the NSHR and the NGO NFSP launched a campaign against child abuse to increase awareness of human rights and child abuse. The NFSP works to counter violence against women and children. A NFSP national child abuse and child neglect registry at King Faisal Hospital in Riyadh tracks and assists abused children with treatment and follow-on counseling. On November 27, the NFSP trained doctors and nurses on diagnosing child abuse and neglect. The course addressed roots of violence, social risk factors, assessment, intervention, and child protection legislation. From October 24 to 27, the NFSP trained physicians in Jeddah and Dammam on advanced detection skills for physical and sexual abuse and neglect of children to promote child protection in the country. On July 9, Arab News ran an editorial on existing social barriers to addressing child sexual abuse in the country.

The women's branch in Mecca of the HRC, according to a report in the daily newspaper *Okaz*, handled 536 cases during the year, including domestic violence cases, and conducted visits to orphanages and foster homes for girls, as well as the Family Protection Society, the women's Comprehensive Rehabilitation Center, and the women's division at Briman Prison.

Sharia does not specify a minimum age for marriage but suggests girls may marry after reaching puberty. According to the Grand Mufti of the Kingdom, Abdulaziz Al al-Sheikh, girls as young as 10 years old may be married. Families sometimes arranged such marriages, principally in rural areas or often to settle family debts, without the consent of the girl. The HRC and the NSHR reported that child marriages rarely took place. On May 3, the Ministry of Justice issued a regulation requiring marriage registrars to record the bride's age at the time the family applies for the marriage license, allowing for the possibility of review where the ages are vastly different.

All marriages are required to be registered prior to the consummation of the marriage. In 2009 the NSHR president said the Government had instructed marriage registrars not to register marriages involving children.

The press reported marriages between children and of girls as young as nine years old being married to men older than 60 years old. On October 6, *Al-Watan* reported that a man in his 50s registered his marriage to a 13-year-old girl in Najran. According to the article, the girl consented to the marriage, which had been arranged by her father.

On April 29, the Arab News reported that the August 2009 marriage of a nine-year-old girl to a 69-year-old man had been annulled with the assistance of the governor of Qassim after the return of the 30,000 riyal (\$8,000) dowry. The same article reported that the Buraida court granted a divorce in the August 2009 marriage of a 12-year-old girl to an 80-year-old man; the girl had fled to her aunt's house but was returned to her husband. Reform-minded activists, media, and local human rights organizations continued to call for an end to child marriage.

There is no specific law providing penalties relating to child prostitution, no statutory rape law, and no minimum age for consensual sex. The law prohibits pornography, including child pornography.

Children may not receive social services or attend schools or universities unless they hold NICs or valid residency permits and are properly registered in the family register, requirements that displaced children cannot meet.

The kingdom is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>

Anti-Semitism.—There were no known Jewish Saudi citizens and no available statistics concerning the religious denominations of foreigners.

Some vendors at the annual government-sponsored book fair in Riyadh in March offered anti-Semitic publications, including the Protocols of the Elders of Zion. Editorial cartoons occasionally exhibited anti-Semitism characterized by stereotypical images of Jews along with Jewish symbols and comparisons of Israeli government actions to those of Nazis, particularly at times of heightened political tensions with Israel. On June 2, daily newspaper *Al-Iqtisadiyya* featured a cartoon of an Israeli

flag with a swastika replacing the Star of David flying over a collection of bones, including skull and crossbones, spread across a Star of David. Anti-Semitic editorial comments appeared in government and private print and electronic media in response to regional political events. On September 15, daily newspaper Al-Madina showed a caricatured Jew whipping an Arab toward "concessions" in a new round of peace talks.

There continued to be reports that Sunni imams, who receive government stipends, used anti-Jewish, anti-Christian, and anti-Shia language in their sermons. There were reports of imams in the Eastern Province who included calls for divine punishment of Jews as part of special prayers. There were reports that the Ministry of Islamic Affairs dismissed some imams for espousing intolerant ideas. During the year the ministry issued periodic circulars to clerics and imams in mosques directing them to include messages on the principles of justice, equality, and tolerance and encourage rejection of bigotry and all forms of racial discrimination in their sermons. Unlike in the previous year, there were no reports that prayers were projected over mosque speakers for the death of Jews and Christians.

The Government's multiyear project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam began in 2007, but it had not been fully implemented by year's end. While more than 83 school districts in 13 provinces participated in the project, there continued to be anti-Semitic passages in textbooks used throughout the country. The Government mandated the removal of controversial terms from school textbooks and the substitution of such terms with the phrase "there is no compulsion in religion." In September the Government introduced revised and newly written textbooks across the curriculum for most school grades. Nonetheless, for example, a 2010-11 seventh-grade text contained anti-Semitic language, such as, "The nature of the Jews is duplicity, oath-breaking, and back-stabbing." Anti-Semitic material in Saudi textbooks was used in some schools abroad, some of which may not be funded by the Saudi government. Although textbook reviews and revisions continued at year's end, the revisions were insufficiently extensive to remove all language defaming non-Muslims and pronounced anti-Semitic perspectives.

In May the King Abdulaziz Center for National Dialogue launched a massive public awareness campaign with 10 different public service announcements to promote dialogue, tolerance, and moderation. The announcements were broadcast during primetime television and major soccer matches and addressed a variety of themes, including promoting respect for others to address formal and informal discrimination and for laws and systems, revising teachers' conduct to encourage rather than disparage students, and handling conflicts cooperatively rather than aggressively. Throughout the year 1,555 certified trainers conducted 66 training programs and workshops on "the culture and importance of open dialogue and communication skills" for more than 500 men and women. The workshops addressed all forms of prejudice and tolerance to nonmainstream groups. In 2008 the UN endorsed the king's Interfaith Dialogue Initiative, which brought together prominent officials and religious and academic scholars to discuss interfaith issues. A mix of high-level government and religious officials openly supported this campaign against religious extremism and intolerant language, especially in mosques and schools.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law does not prohibit discrimination against persons with physical, intellectual, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. There is no legislation mandating public accessibility to buildings, information, and communications. Newer commercial buildings often included such access, as did some newer government buildings. Persons with disabilities had equal access to information and communications; however, special communication devices for persons with sensory disabilities were generally not publicly available.

There was NGO and government activity during the year to improve sign language literacy. During the year the Deaf Club of Jeddah concluded sign-language training of 40 media women and social workers and signed an agreement with the Government's Human Resources Development Fund to train 1,500 public and private sector employees in sign language. On September 5, the Saudi Gazette reported that the NGO Saudi Society for Hearing Disability launched a campaign to eradicate sign language illiteracy.

Information about patterns of abuse of persons with disabilities in prisons and educational and mental health institutions was not available. The MOSA is responsible for protecting the rights of persons with disabilities. Vocational rehabilitation projects and social care programs increasingly brought persons with disabilities into

the mainstream. The Government sponsored institutions for the care of paralyzed children in Riyadh and Taif. There were also five houses for vocational rehabilitation, two of which were for girls; three centers for social rehabilitation for those who have severe disabilities; and nine centers for total rehabilitation. The MOSA assisted families who care for relatives with disabilities. The labor law provides that employers of 25 or more employees allocate 4 percent of positions to persons with disabilities.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, societal discrimination against members of national, racial and ethnic, or tribal minorities was a problem. Foreign workers from Africa and Asia were subject to formal and informal discrimination. The tolerance campaign of the King Abdulaziz enter for National Dialogue sought to address some of these issues (see section 2.c.).

There were numerous cases of assault against foreign workers and reports of widespread worker abuse. There were reports of racial discrimination against persons of non-Arab descent, especially persons of African descent. The Shia minority continued to suffer social, legal, economic, and political discrimination. In an effort to address the problem, the ministries of defense and interior and the National Guard held training courses in recent years for police and law enforcement officers to combat discrimination. There were no reports of training during the year or of the success rate of these programs.

Unlike in 2008 there were no reports in 2009 or during the year of married couples forced to divorce because one spouse was from “inappropriate lineage,” that is, a nontribal family or an “inferior” tribe. On January 30, pursuant to a royal order, the High Court in Riyadh reconsidered and overturned the 2007 appeals court decision upholding the forced divorce of Fatima al-Timani and her husband. Al-Timani’s half-brothers had successfully filed for her divorce because her husband had lied about his tribal lineage.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Under Sharia 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 to wear women’s clothes and vice versa. Consequent to the illegality and severe punishment applicable, there were few reports of societal discrimination, physical violence, or harassment based on sexual orientation, and there was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation could constitute the basis for harassment, blackmail, or other actions. No such cases were reported.

On June 2, a Philippine news Web site reported that the Government banned the recruitment of gay and lesbian workers. According to the report, the Saudi Arabian embassy in the Philippines had issued a memorandum to recruitment agencies to screen applicants “so that those belonging to the third sex are excluded.”

On July 29, the daily newspaper Al-Riyadh reported the arrest of a man dressed in women’s clothing near Qatif. He was sentenced to five months’ imprisonment and 60 lashes for “imitating women.”

On November 8, Okaz reported that a Jeddah court sentenced a man, already imprisoned, to 500 lashes, five additional years in jail, and a fine of 50,000 riyals (\$13,000) for “committing homosexual acts,” imitating women, possessing pornographic video clips of himself, and publishing obscene photos of himself on the Internet.

In June 2009 Riyadh police arrested and later released 67 men from the Philippines for drinking alcohol and dressing in women’s clothing at a private party. Charges pressed were not publicized.

Other Societal Violence or Discrimination.—There was no reported violence against persons with HIV/AIDS. On June 12, the Arab News reported that the Ministry of Health (MOH) recorded 1,287 new cases of HIV/AIDS, 481 of which were citizens. By law the Government deported foreign workers who tested positive for HIV/AIDS upon arrival or when hospitalized for other reasons. There was no indication that HIV-positive foreigners failed to receive antiretroviral treatment or that authorities isolated them during the year.

On July 14, the MOH appointed a woman physician as the general manager of the HIV/AIDS program. On September 19, the Arab News reported that the MOH added four specialized centers for treating HIV/AIDS in Asir, Medina, Jouf, and Al-Ahsa and 20 clinics for confidential AIDS testing. The Society to Aid AIDS Patients, established in March 2009, was the first NGO of its kind. It worked in collaboration with the MOH’s national HIV/AIDS program in Mecca, providing HIV education, voluntary counseling, testing through mobile testing teams, and psychological help; fighting stigma and discrimination against persons with HIV/AIDS; and helping

families with HIV-positive relatives to acquire medicine; however, it faced resource limitations.

Section 7. Worker Rights

a. The Right of Association.—The labor law does not address the right of workers to form and join independent unions, and there are no labor unions in the country. The Government allowed citizen-only labor committees with limitations on the right of association in workplaces with more than 100 employees. The Government was heavily involved in the formation and activities of these committees. Workers chose and the Ministry of Labor (MOL) approved committee members. Ministry representatives could attend committee meetings. Committees could make recommendations to company management to improve work conditions, increase productivity, improve health and safety, and recommend training programs. The labor law makes no provision for workers to strike legally and does not prohibit retaliation against strikers.

The Government does not allow workers to strike, however some strikes occurred.

For example, on March 23, the Saudi Gazette reported that 80 maintenance workers at Habona General Hospital in Najran went on strike to protest a four-month delay in pay and benefits. The hospital was contracting with a new company for maintenance work at the time of the strike and promised that the replaced workers would be paid.

On August 12, the Arab News reported that 150 workers went on strike for nine days because they had not been paid in more than six months. The workers lodged a complaint with the ministry, which reportedly resulted in the back payment of two months' wages.

b. The Right to Organize and Bargain Collectively.—The law does not protect collective bargaining, and it did not take place. However, on October 23, the HRC president visited the ILO in Geneva to discuss labor law and labor issues, including trafficking in persons, in the country.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The labor law sets forth working conditions and pay, including for children, and thus implicitly prohibits forced labor of all forms. Nonetheless, there were reports that forced or compulsory labor occurred, especially among children and migrant workers. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The Government engaged in a news campaign highlighting the plight of abused workers, trained law enforcement and other officials on combating trafficking in persons, and worked with labor sending missions on getting information about labor rights to foreign workers. Reports of migrant workers who were subjected to forced labor conditions continued during the year.

The sponsorship system inherently blocks freedom of movement, the right to choice, and the ability to change employers. Many incidents of abuse were reported, including the withholding of passports, restrictions of movement and communication, and nonpayment of wages. According to HRW there were approximately 1.5 million foreign domestic workers in the country during the year, most of them women.

Noncitizens may reside or work in the country only under the sponsorship of a citizen or business. The law does not permit noncitizens to change their workplace without their sponsor's permission, thus forcing the worker to remain with the sponsor until the satisfaction of the contractual terms or to seek the assistance of the embassy to return home. Foreign workers were under the complete control of their sponsoring employers, who held their passports and were responsible for processing residence permits on their behalf, although the country has a law prohibiting the withholding of passports. Sponsors involved in a commercial or labor dispute with foreign employees could ask authorities to prohibit the employees from departing the country until the dispute is resolved. Workers can hire a lawyer or represent themselves in the arbitration or court proceedings to settle the contractual dispute.

The labor law implicitly prohibits forced labor with fines and bans on future hiring on the sponsor violating labor law provisions, but the law does not apply to domestic employees, the largest group of workers susceptible to forced labor conditions. Domestic employees can contact the labor offices of their embassies for assistance as well as the NSHR and the MOL's Migrant Workers' Welfare Department, a department dealing with the welfare of foreign workers. According to the HRC, the Migrant Workers' Welfare Department provides services to safeguard migrant workers' rights and to protect them from abuse. Workers may also apply to the offices of regional governors and may lodge an appeal with the Board of Grievances against decisions from those authorities.

The Government did not make public criminal investigations, prosecutions, convictions, or sentences for forced labor offenses under the labor law.

In December 2009 a Web site reported that 40,000 Bangladeshis were deported during the previous nine months because they had overstayed their pilgrimage visas. The country does not permit work or the search for work on pilgrimage visas. According to sources in Bangladesh's Overseas Employment Ministry, the deportations were for provoking labor unrest, strikes, and protesting low wages and poor labor conditions. However, it was unclear if the Bangladeshis had work sponsors and resident status.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor occurred in the country, most commonly in the form of begging. Saudi children from poor families and foreign children trafficked into the country specifically for this purpose worked as beggars. During the year there were a reported 9,520 child beggars in the country. Children from other countries, primarily Yemen and Ethiopia, were forced into child begging rings, street vending, and family businesses. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip. There were reports of foreign domestic workers younger than 18 years old, some of whom traveled to the country with forged documents. The MOSA provides services designed to provide every citizen a decent standard of living. Such services are not available for noncitizens, who were likely to be deported.

The labor law states no person younger than 15 years old may legally work unless that person 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 years old may not work in hazardous or harmful industries, such as mining, or industries with power-operated machinery.

A 2008 study commissioned by the King Abdulaziz City for Science and Technology, an independent scientific organization reporting to the prime minister, found that child labor was a growing phenomenon. According to the study, 1.54 percent of children worked, including 2.3 percent in the Eastern Province. In 2008 more than 83,000 children were working on the streets, according to a study by the King Abdullah Institute for Research and Studies reported in *Okaz*. In September 2009 the Arab News reported that nine-year-old children were working long hours at the al-Atiqah fruit market south of Riyadh and sometimes moving goods three times their weight. The MOSA did not provide services to noncitizen children. There were orphanages and charities, but assistance was very limited.

The Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged child labor violators. The MOSA 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. The unofficial private sector minimum wage for citizens was 1,500 riyals (\$400) per month, which appeared to provide a decent standard of living for a citizen worker and family (who also receive various government allowances). The country's estimated 6.3 million foreign noncitizen workers made up approximately 88 percent of the private sector workforce. Their work, wages, living quarters, and working conditions were negotiated and agreed prior to their arrival in the country, except for those who were already in the country and changing sponsors.

Many of these workers, however, arrived to work but found themselves subjected to conditions to which they had not agreed. The MOL reportedly maintained a database of abusive employers who are prohibited from recruiting new foreign workers, but reports indicated that the Government did not effectively implement the black-listing system. The ministry's Migrant Worker's Welfare Department addressed cases of abuse and exploitation. Noncitizen workers were able to submit complaints and to seek help from the 37 offices throughout the country, although the Government was not generally responsive. The ministry occasionally banned individuals and companies who mistreated noncitizen workers from sponsoring such workers for five years, although there were no publicly available statistics. The ministry may ban indefinitely employers who have repeated violations. Bilateral labor agreements stipulate conditions on minimum wages, housing, benefits, including leave, medical care, and other topics. Conditions vary depending on the country's relative bargaining leverage. Enforcement was problematic for workers from some countries.

Labor regulations provided for a 48-hour standard workweek at regular pay; a weekly 24-hour rest period (normally on Fridays, although the employer may grant it on another day) based on hours worked; premium pay for overtime at time-and-a-half pay with a maximum of 12 additional hours of overtime; and the labor minister's determination on the maximum number of hours of compulsory overtime. While these standards were enforced for most workers, they did not apply to domestic workers. There were credible reports that female domestic employees were sometimes forced to work 16 to 20 hours per day, seven days per week, with little or

no pay. The MOL's Migrant Worker's Welfare Department might assist workers with their claims of nonpayment of wages, as might the sending country's embassy. In some contract disputes, a sponsor held the employee in country until the dispute was resolved to force the employee to accept a disadvantageous settlement or risk deportation without any settlement.

The labor law provides for safety inspections and enables MOL-appointed inspectors to examine materials used or handled in industrial and other operations and to submit samples of suspected hazardous materials or substances to government laboratories. The MOH's Occupational Health Service Directorate works with the MOL on health and safety matters. 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, or workers in family-operated businesses. Foreign nationals privately reported frequent failures to enforce health and safety standards.

Embassy representatives from labor exporting countries stated that the number of cases of abused foreign domestic workers was increasing. During the year hundreds of domestic workers sought shelter at their embassies fleeing sexual abuse or other violence, and embassies received many reports of abuse. Some embassies from countries with large domestic employee populations maintained safe houses for citizens fleeing situations that amounted to bondage. According to embassy representatives, victims usually sought legal help from police and from embassies to obtain end-of-service benefits and exit visas. Criminal charges against abusive employers were rarely filed.

Many noncitizen workers, particularly domestic employees, were not able to exercise their right to remove themselves from dangerous situations, and employers occasionally left them locked inside the home or threatened them with nonpayment if they left.

On May 30, a Nepalese Web site called for the ministry to investigate labor violations at a large company in Dhahran and Riyadh, claiming that workers had not been paid for months. According to the report, many of the affected workers were in the country illegally, making it difficult for them to leave the company.

On July 10, the Arab News reported that Mecca police arrested and questioned a number of demonstrators protesting poor living conditions at the approximately 3,000-man al-Shukiya labor housing compound. Reportedly, police arrested and questioned the compound manager to investigate the veracity of the workers' claims.

In February 2009 the Arab News reported the problems of four Pakistani mechanics who were owed six years' wages, end-of-service benefits, return tickets to Pakistan, and medical treatment costs. Although the Preliminary Commission for Settlement of Labor Disputes in Mecca issued a decision in favor of the employees in 2006, at year's end there were no reports that the workers had received their compensation.

SYRIA

Syria, with a population of approximately 21 million, is a republic under the authoritarian regime of President 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 (Arab Socialist Renaissance) Party. The constitution mandates the primacy of Ba'ath Party leaders in state institutions and society. President Asad and party leaders dominate all three branches of government. In 2007 Asad was confirmed president for his second seven-year term in a "yes or no" referendum that was neither free nor fair in the eyes of local and international human rights advocates. Security forces reported to civilian authorities.

The Government systematically repressed citizens' ability to change their government. The security forces committed arbitrary or unlawful killings, caused politically motivated disappearances, and tortured and physically abused prisoners and detainees with impunity. Security forces arrested and detained individuals under poor conditions without due process. Lengthy pretrial and incommunicado detention remained a serious problem. The judiciary was not independent. There were political prisoners and detainees, and during the year the Government sentenced to prison several high-profile members of the human rights and civil society communities. The Government violated citizens' privacy rights. The Government imposed severe restrictions on civil liberties: freedoms of speech and press, including Internet and academic freedom; freedoms of assembly and of association, including severe restrictions on nongovernmental organizations (NGOs); and freedoms of religion and movement. An atmosphere of corruption pervaded the Government. Violence and societal

discrimination against women continued, as did sexual exploitation, increasingly of Iraqi refugees, including minors. The Government discriminated against minorities, particularly Kurds, and severely restricted workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were reports of arbitrary or unlawful deprivation of life.

For example, on January 1, military security officers arrested Yusuf Jabouli, who reportedly taught Islamic studies at public schools in Aleppo and founded an e-mail group called al-Mishkaat ("The Lamp"). Jabouli died in custody and officers delivered his body to his family on January 7, according to human rights observers. Jabouli's family reportedly was not allowed inspect his body, and military security officials were present at the burial. The international NGO Amnesty International (AI) reported that unofficial sources alleged Jabouli was tortured to death. The authorities did not provide information about the case, and reasons for the arrest and death of Yusuf Jabouli remained unknown at year's end.

On May 27, local police arrested Jalal al-Kubaisi, a vendor at the Souq Al-Hamadeya in Damascus and reportedly tortured him. On May 31, the police informed his family that Kubaisi had died while in custody, prompting the Government to launch a formal investigation into his death. At year's end, the reasons for the arrest remained unknown, and no details of the investigation were made public.

On July 19, Wadee' Sha'booq, an engineer from Aleppo, died six days after he was assaulted by a criminal security unit. Human rights observers believe security forces attacked Sha'booq when he confronted them over his son's compulsory military service.

On August 28, the body of Riyadh Ahmed Khalil, a 42-year-old Kurd, was handed to his family after he died of internal bleeding in an interrogation center. The security forces arrested Khalil and his sons, Ahmed and Dihmat, two months before his death. Khalil was buried on August 28 in Safita under tight security, without opportunity for examination of his body, and his sons remained in custody at year's end. It was rumored that Ahmad Khalil was a former member of the terrorist organization Kongra-Gel, (formerly the Kurdistan Workers Party-PKK) who had returned to the country and voluntarily turned himself in.

Suspicious Kurdish conscript deaths continued throughout the year. Human rights observers reported that 11 Kurdish conscripts died during the year, purportedly by suicide or accident. Six of the 11 conscripts, Isa Khalaf, Osman Mustafa Bozan, Xebat Hesên Eliko, Hesên Mihemed Dero, Najm al-Din Hassan Daallo, and Shiar Osman Osman, reportedly committed suicide while in military service. Mustafa Abdo was reportedly killed on August 12 by a bullet from his own weapon while on duty; Mahmoud Sheikho allegedly committed suicide on October 9 but he is said to have suffered 14 bullet wounds. Joseph Farhan Qasim died on December 21 reportedly from a landmine, but observers noted that his wounds did not match the reported cause of death. Some Kurdish leaders estimated that there have been nearly 40 mysterious conscript deaths in the last three years.

At year's end there were no official or expected investigations or developments in the 2009 Kurdish conscript deaths of Barkhadan Kaled Hamo, Mahmud Hanan Khalil, Ahmad Saadun, Ahmad Abdulrahim Moustafa, Malek Shabo, Arif Abdul Aziz Said Osan, Mahmud Muhammad Halli, Ahmad Arif Omar, Mohamed Omer Khider, Hogir Rasol Haso, Ahmad Mustafa Ibrahim, Suleiman Faruq Diko, Firas Badri Ibrahim, Rezan Abdul Kareem Mirana, Sadiq Hussein Musa, Khalil Bosan, and Ez al-Din Morrow.

There were no developments or investigations in the 2008 deaths of Muhammad Yahya Khalil, Muhammad Zaki, Muhammad Mahmoud Hussein, Zakariyya Affash, Muhammad Mahareesh, Mahmoud Abu Rashid, Abdul-Baqi Khattab, Ahmed Shalaq, Khaled Bilal, Mo'ayad al-Ali, Muhanad al-Omar, and Khidr Alloush; or any of 75 to 100 other inmates allegedly killed in the 2008 Sednaya Prison riots; or of Ahmed Musa al-Shukaifi, whom authorities allegedly tortured to death in 2008.

b. Disappearance.—There were reports of enforced disappearances during the year, some of which were politically motivated.

On July 4, AI issued a report, *Your Son is Not Here: Disappearances from Syria's Saydnaya Military Prison*, marking the second anniversary of the many reported disappearances from Sednaya. The report concluded that 18 out of the 52 missing were victims of enforced disappearance.

On July 7, according to AI, political security forces arrested Shia cleric, and former member of the terrorist organization Hizballah, Sheikh Hassan Mchaymech at a border crossing while he was driving to Saudi Arabia with his mother and wife.

The authorities failed to disclose the reason for his arrest or if he has been charged with a crime, despite repeated requests from the Lebanese government and Mchaymech's family. Mchaymech's whereabouts were not known at year's end.

On August 23, attorney and human rights activist Ismail Abdi was arrested in Aleppo and ordered to appear before the intelligence service. The naturalized German citizen and his family were leaving after vacationing in the country. Abdi was arrested when he appeared before the intelligence service and has not been seen or heard from since. Human rights observers believe the arrest is related to his critiques of the regime and activities as chairman of the German branch of the Committee for the Defense of Democratic Freedoms and Human Rights in Syria.

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. For example, in May 2009, according to Kurdish human rights activists, General Intelligence Directorate (GID) forces arrested 24-year-old Kurd Hozan Nawaf Rashed, and his whereabouts and the reason for his arrest remained unknown at year's end. The Government had a long record of allegedly causing individuals to "disappear," some of whom were believed to have died, whereas others were likely in long-term detention, and it did not investigate or punish any security force members for a 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 the international NGO Human Rights Watch (HRW), the disappeared persons were mostly detained Muslim Brotherhood 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.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the penal code provides punishment of a maximum imprisonment of three years for abusers. Under article 28 of the constitution, "no one may be tortured physically or mentally or treated in a humiliating manner." Nevertheless, security forces reportedly continued to use torture frequently. Local human rights organizations continued to cite numerous credible 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; beatings while the victim is suspended from the ceiling and on the soles of the feet; alternately dousing victims with freezing water and beating them in extremely cold rooms; hyperextending the spine; bending the body into the frame of a wheel and whipping exposed body parts; using a backward-bending chair to asphyxiate the victim or fracture the spine; and stripping prisoners naked for public view. In previous years AI documented 38 types of torture and mistreatment 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.

On May 25, the UN Committee Against Torture voiced its concern that the Government operates secret detention facilities where those detained are held incommunicado and routinely tortured, according to "numerous, ongoing, and consistent allegations." The committee also highlighted its concern regarding treatment of Kurdish political activists and military courts' convictions on Kurdish detainees on vague charges of "weakening national sentiment" or "spreading false or exaggerated information."

The report also asserted that abuses were "intentionally and frequently inflicted on Kurds in Syria with the consent or acquiescence" of officials and encouraged by the Government.

On March 14, Berzani Karro was sentenced to five years' imprisonment—commuted to two and a half years—on charges of "attempting to sever part of the Syrian territory and annex it to a foreign state," a charge commonly used against Kurds, according to AI. Political Security Directorate (PSD) agents arrested the 20-year-old Kurd at Damascus International Airport in June 2009 and held him incommunicado for three months, during which time human rights observers reported Karro was "reportedly subjected to prolonged beatings" and, according to a Kurdish rights Web site, subjected to electric shocks.

At year's end no new information has been produced in the reported 2009 security forces torture of several Kurdish youths—including Abdulazez Jamal, Shayar Masud, Serdar Abdulrahem, Ali Fawaz, Shahen Ibrahim, Dal Muhammad, and Khalid Jomaa—all of whom had participated in a demonstration organized by the Democratic Youth Movement in Hasaka.

Prison and Detention Center Conditions.—Prison conditions were generally poor and did not meet international standards for health and sanitation. Facilities lacked proper ventilation, lighting, access to potable water, and sufficient sleeping quarters. It was also common for released prisoners to complain about sickness and injury due to the inadequate conditions. The Government did not permit visits by independent human rights observers.

The Government did not give statistics on number of inmates or people detained in the country. Human rights observers estimate between 2,500–3,000 political prisoners are currently detained, of whom approximately 1,400 are in Sednaya Prison. According to the 2010 Annual Prison Assessment, co-authored by the Syrian Association for Human Rights and the Arab Organization for Penal Reform, prisons suffered from severe overcrowding. The report states that cells made for 20 inmates held 80 persons, and prisoners were forced to sleep on the floor and in corridors. The analysis also claimed that Adra Prison held 9,000 inmates, although it was made to jail 2,000. According to the report, bribes were sometimes necessary to get access to visits, food, and other basic needs of prisoners.

According to human rights observers, prisoners have the right to complain about treatment and prison center conditions; however, authorities rarely investigated these allegations or provided documentation of such to the public. Observers and activists claimed there is no ombudsman available to serve on behalf of the prisoners and detainees.

Prison authorities denied all visits to inmates during the 2008 Sednaya Prison riots and for the first six months of 2009. Severe overcrowding at several prisons forced inmates to sleep on the floor. Activists and former inmates reported that prison officials withheld food to punish inmates.

According to local and international human rights organizations, the Government held prisoners and detainees without adequate basic and emergency medical care. Throughout the year local and international human rights organizations highlighted the case of political prisoner and prominent human rights lawyer Haitham al-Maleh, whom the court sentenced on July 4 to three years in prison. According to human rights observers, the 80-year-old suffered from diabetes and declining health.

There was at least one instance during the year when the authorities failed to protect those in its custody. Prominent human rights activist and lawyer Mohannad al-Hasani was brutally attacked on October 28 by a violent cellmate whom the authorities left in the same cell for several days after the attack. There were reports in prior years of prisoners beating other prisoners while guards stood by and watched.

There were separate detention facilities for men, women, and juveniles. The Government reportedly sometimes held minors in adult facilities. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. 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. Political prisoners also reported that they often slept on the ground due to lack of beds, were subject to frequent searches, and faced solitary confinement if authorities found impermissible items. Guards regularly eavesdropped on prisoners' conversations with their lawyers and visiting family members. Some former detainees and human rights observers reported that the Government denied political prisoners access to reading materials, including the Qur'an. Facilities for political or national security prisoners, especially accused Islamists, were generally much worse than those for common criminals. Each branch of the four security services operated its own detention centers. Most cases of reported torture or mistreatment 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, but diplomatic and consular officials were granted limited access in some cases during the year. Nuns from the Good Shepherd convent in Damascus were granted access to the women's prison in Duma to conduct vocational training and provide preschool services for inmates' children who lived in the prison when no other family member was available to care for them.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; in practice these activities persisted and remained significant problems.

For example, on January 2, security forces detained journalist Ali Taha and photographer Ali Ahmad in the Sayyida Zaynab neighborhood of Damascus. Observers stated that Taha was released on February 7 and Ahmad a few days afterwards. They were not charged, and the reason for their arrest remained unknown at year's end.

On December 4, human rights activists reported that Juan Yusuf Muhammad was arrested by members of the PSD for an unknown reason after he responded to a summons. The status of his case remained unknown at year's end.

Abdel Hafez Abdel Rahman, board member of the unlicensed Kurdish human rights group MAF ("Right" in Kurdish), was released on September 1. Military intelligence officers detained Rahman and his colleague Nadera Abdo on March 2 and continued to hold Rahman after releasing Abdo four days later.

On September 21, Hasan al-Atrash, leading member of the Druze community and grandson of the leader of the Syrian revolution, was jailed for eight days. The cause for his detention was unknown; however, human rights observers believed his detention was politically motivated.

Role of the Police and Security Apparatus.—The role of the security services extends far beyond strictly security matters under a continuing state of emergency originally declared by the Government in 1963. The Emergency Law was justified on the basis of the conflict with Israel and threats from terrorist groups. There are four major branches of security forces, including Military Intelligence and Air Force Intelligence; the PSD, under the Ministry of Interior (MOI); and the GID, which is a stand-alone institution. The four branches operate independently and generally outside the control of the legal system, and all four repress internal dissent and monitor individual citizens. The MOI controls the four separate divisions of police forces: emergency police, traffic police, neighborhood police, and riot police.

Impunity was a serious problem. In 2008 President Asad issued a law that mandates that only the General Command of the Army and Armed Forces may issue an arrest warrant in the case of a crime committed by a military officer, member of the internal security forces, or customs police officer in the pursuit of his normal duties, and that such cases must be tried in military courts. During the year there were no known prosecutions or convictions of police and security force personnel for human rights abuses. No mechanisms for investigations of security force abuse existed.

A human rights police training program funded by the Swiss and Norwegian governments continued throughout the year. The Geneva Institute for Human Rights, with support from the MOI and the Office of the High Commissioner for Human Rights, began a third training course in October.

Arrest Procedures and Treatment While in Detention.—Upon arrest, the individual is brought to a police station for processing and detained until a trial date is set. At the initial court hearing, which can 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 are not ensured access to their clients before trial. The individual is then tried in court, where a judge renders a verdict. Although 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. This right was not applied consistently throughout the legal system and was rarely available to detainees under the 1963 Emergency Law.

The 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 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 before or during questioning, or throughout the preparation and presentation of their defense. In most cases detainees were not informed of charges against them until their arraignment, which was often months after their arrest. Those suspected of political or national security offenses were arrested and prosecuted under ambiguous and broad articles of the penal code and were subsequently tried in either criminal or security courts.

The Government often failed to notify foreign governments when their citizens were arrested or detained or did so only after the person was released or deported, especially when the person was detained on politically related charges.

House arrest is available under judicial authority but observers claim it is rarely used and there were no significant cases of house arrest by year's end.

Arbitrary and false arrests were problems, and detainees had no legal redress. The authorities used the Emergency Law to detain persons critical of the Government and charge them with a wide range of political crimes, including treason. Incommunicado detention was a severe problem. Many persons who disappeared were believed to be either in long-term detention without charge or possibly to have died while detained. Many detainees brought to trial were held incommunicado for years, and their trials were often marked by irregularities and lack of due process. A shortage of available courts and lack of legal provisions for a speedy trial or plea bargaining led to lengthy pretrial detentions.

The Government arbitrarily arrested alleged Islamists, Muslim Brotherhood members, and civil society and human rights activists during the year. Under the authority of laws that criminalize membership and activity in organizations the Government deems illegal, observers estimated that security forces arrested hundreds of persons linked to local human rights groups and pro-democracy student groups, as well as minorities, particularly Kurds (see section 1.e.).

On November 30, the Supreme State Security Court (SSSC) indefinitely postponed the hearing of Hasan Ibrahim Salih, Maruf Ahmad Mula Ahmad, and Mohamed Ahmad Mustafa, members of the Kurdish Yekiti Party. According to Kurdish observers, the three have been detained since their arrest in December 2009, including five months in incommunicado detention. Their hearing dates were continually postponed and rescheduled throughout the year.

Ziad Ramadan remained on trial at the SSSC, after five years of detention without charge. Ramadan is a former work colleague of a man who confessed to participating in the 2005 killing of former Lebanese prime minister Rafiq al-Hariri and 22 other individuals. Authorities responded to a UN request by stating Ramadan was detained for his own protection as a key witness in the Hariri investigations.

On March 17 a military judge dismissed charges against Bahjat Ibrahim, a 51-year-old Kurd, of membership in a banned political association, the Al-Wehda Party, an accusation he denied. Human rights observers believe he had been arbitrarily arrested without warrant on October 2009 by the Political Security branch.

On July 1, Ayat Ahmed, a female university student, was released after 10 months' detention. Human rights observers believed that the security service arrested her in October 2009 for her religious beliefs and alleged involvement with Salafi ideology. She attended the Islamic institute of the late Sheikh Ahmad Kuftaro, and according to her parents, she had no links to any Islamist parties.

Sheikh Salah Kuftaro, a prominent religious figure, who was tried in June 2009, was released from prison on August 26 after charges were dropped for lack of evidence.

There were numerous reports from human rights organizations that security services arrested citizens who were not apparently involved in political activities. Security services provided no information on the reasons for the arrests, and in many cases family and friends had not obtained information on the whereabouts of the detained at year's end.

Amnesty.—The president has the power to issue private and general pardons. On February 23, President Asad issued amnesty decree 22 pardoning all misdemeanor offenders in the legal system, both in jail and on trial, with a few exceptions. All sick and elderly prisoners over the age of 70 were released, with the notable exception of well-known human rights lawyer Haitham al-Maleh.

On February 16, President Asad gave a private amnesty to religious leader Abdul Rahman al-Kouki, who was arrested in 2009 and charged with provoking sectarian discord because of a comment he made on an Al-Jazeera television show criticizing Egyptian Grand Sheikh Tantawi for banning the niqab at a Cairo university.

On April 6, the Government released Hasan Zahra, leader of the banned Communist Party, under decree 22 after a year's detention.

On April 11, Youssef Najiye and Omar Darwish, two members of the Muslim Brotherhood, were released from prison pursuant to decree 22, after imprisonment for membership in the banned organization.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but 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.

The judicial system is composed of civil and criminal courts, under the Ministry of Justice (MOJ), and religious courts, which adjudicate matters of personal status such as divorce and inheritance.

Military courts have authority over cases involving 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 military court. A military prosecutor decides the venue for a civilian defendant. In contrast to previous years, there were no reports during the year that the Government operated military field courts, which in the past observed fewer formal procedures than regular military courts, in locations outside established courtrooms.

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.”

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 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, and only summaries prepared by the presiding judges are made available. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. Human rights lawyers noted that in some politically charged cases, the prosecution case files that defense lawyers were allowed to see did not include any evidence.

Some groups are denied some of these rights because parts of family and criminal law are based on Sharia, and do not treat men and women equally. Some personal status laws use Sharia regardless of the religion of those involved.

The SSSC does not observe constitutional provisions safeguarding defendants’ rights. Its verdicts are not subject to judicial appeal, but 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 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 submit written defense pleas rather than making oral presentations. Trials take place before one to 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, but local lawyers affiliated with local NGOs acted as defense counsel in some cases. Diplomatic observers had limited access to the SSSC during the year.

Human rights organizations estimated that the SSSC tried hundreds of cases annually. Most cases during the year involved charges relating to membership in banned political groups, including religious parties such as the Muslim Brotherhood, the Islamic Liberation Party, and Syrian Kurdish parties. During the year the SSSC sentenced more than 100 citizens to punishments ranging from three years’ imprisonment to execution (all sentences for execution were commuted to 12-15 years’ imprisonment during the year). The SSSC is not required to keep a regular schedule. Following the Sednaya Prison riots, the SSSC suspended operations for approximately eight months. Even when the SSSC scheduled a case on a given day, the court sometimes failed to convene, offering no reason.

In an example of the SSSC trial procedures, Hassan Shaqi, Muhammad Sai’da, Mohammad Jadid, Ahmed Mousa, Yassir Dawri, Hussam Mahmoud, and Hassan al-Sham appeared in the SSSC on September 26, after almost four years in pretrial detention. All seven were convicted of “membership in an association created to change the economic or social structure of the state through terrorist means,” and sentenced from six to 10 years.

Political Prisoners and Detainees.—The number of political prisoners and detainees—both citizens and foreigners—remained difficult to determine due to the lack of official government information and because different branches of the security services, each of which maintained its own incarceration facilities, held significant numbers of such detainees. Authorities refused to divulge information regarding numbers or names of persons in detention on political or security-related charges. Local human rights observers estimated that 1,500 to 3,000 political prisoners, including accused Islamists, were in detention. The Government frequently held political detainees for extended periods without trial and without information provided to their families.

The Government continued to try some political detainees in criminal court; once convicted on political or security-related charges, they were treated like common criminals. During the year police and security agents arrested individuals based on race, religion, nationality, political opinion, or membership in a particular group. The Government was especially harsh toward individuals allegedly involved in Kurdish political or civil society activism.

On April 18, a security court sentenced four Kurdish activists to five years for their membership in Yekiti, a banned Kurdish political party. The NGO Syrian Observatory for Human Rights reported that Nazami Mohammad, Ahmed Darwish, Dalkash Mamo, and Yasha Kader were originally arrested in 2007 and held until their April sentencing.

On April 19, arrested Yekiti leaders Hassan Saleh, Maaruf Mala Ahmed, and Muhammad Mustafa and Kurdish activist Anwar Nasso were all brought before a military prosecutor. On April 22, Anwar Nasso was released without charge while the other three prisoners remained in detention. The four men were arrested in December 2009 in Qamishli for participating in a Yekiti Party meeting. According to several activists and NGOs, the arrests were linked to a resolution passed at the meeting calling for autonomy for Syria's Kurdistan. On May 18 an AI press release claimed that Nasso was badly tortured. At year's end no additional details were available.

In June, Salah Mohammad Said Younis and Mohammad Bashar al-Mahmud were released after serving a one-year sentence. According to civil society activists, the men were imprisoned for "having engaged in a political or social organization of an international character" and for "inciting religious and ethnic sectarian strife."

On June 18, Akram Al-Bunni, Ahmad Tohme, and Jabr Al Shoufi were released from prison after serving prison sentences of two and a half years for "weakening national morale." The three Damascus Declaration National Council members were the first of 12 to be released; all other members (Riad Seif, Walid al-Buni, Fayez Sarah, Muhammed Haji Darwish, Marwan al-Esh, Talal Abu Dan, Muhammad Yasser al-Eitti and Fidaa Horani) were subsequently released with the exception of Ali Abdullah (see below).

On June 23, the Second Criminal Court of Damascus sentenced human rights lawyer Muhannad al-Hasani to three years in prison on charges of "spreading false information that undermined national sentiment" and "spreading false information that demeaned the dignity of the state." Hasani was arrested in July 2009 by GID agents; human rights observers reported that he was forced to sleep on the floor of an overcrowded cell and that guards searched his possessions daily for evidence of reading and writing materials. On October 28, Hasani was attacked by his new cellmate two weeks after receiving the Martin Ennals Award for Human Rights Defenders. The authorities kept Hasani's attacker in the same cell for five days after the attack. At year's end Hasani remained in prison.

On August 31, the SSSC questioned Abbas Abbas, Tawfiq Omran, Ahmad Nihawi, and Ghassan on charges of belonging to a secret organization. The four men were arrested in May 2009 together with Hasan Zahra, who alone was released, due to an incurable illness in accordance with decree 22 (see section 1.d.). According to human rights activists, the men had gathered for illegal political activities associated with their membership in the Communist Labor Party. The trial resumed on October 31 and there were no updates at year's end.

At year's end Ali Abdullah faced the charge of "doing acts that disturb the relations with a foreign country." Abdullah is the only Damascus Declaration National Council (DDNC) member still imprisoned from a 2007 campaign against DDNC. Abdullah was scheduled to be released on July 16, but authorities rearrested him for an article he authored in prison criticizing the Iranian elections.

On November 25, Damascus Declaration National Council member Khalaf al-Jarbou was sentenced to two years in prison for committing "damage to the dignity of the state." He was initially also charged with participating in an "association aiming at changing the economic or social system of the State." The police arrested Jarbou in October 2009 at the Lebanese border and transferred him to PSD custody.

At year's end no new information was available regarding Hamad Ahmad al-Khuder. In July 2009, Khuder completed a five-year prison sentence, according to the Arabic Organization for Human Rights in Syria, but authorities reportedly failed to release Khuder and instead transferred him to Sednaya Prison.

At year's end there was no new information in the case of Nassriddin Barhec, a member of the Kurdish Democratic Party in Syria ("al-Party") arrested by PSD agents in January 2009, according to a Kurdish human rights group.

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. At year's end the Government has yet to release any additional information regarding the whereabouts of prisoner of conscience Nizar Rastanawi. April 18, 2008, marked the end of Rastanawi's jail term, but authorities did not release him, allow family visitation, or provide information regarding his whereabouts. In 2006 the SSSC sentenced Rastanawi to four years in prison for his political activism and sent him to Sednaya Prison, where riots occurred in 2008. Rastanawi's family told local human rights activists that a Sednaya prisoner reported Rastanawi had been killed during the riots; human rights observers concurred.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; in practice the courts were neither independent nor impartial.

Property Restitution.—Security forces routinely seized detainees' property and personal items, such as computers and cellular 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 the items after release, authorities did not return many former detainees' property.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but the Emergency Law authorizes security services to enter homes and conduct searches without warrants if broadly defined security matters are involved. Police bypassed the normal search warrant requirement in many instances by citing security reasons or emergency grounds for entry. Security services selectively monitored telephone conversations and fax transmissions. The Government opened mail addressed to both citizens and foreign residents. The Government routinely monitored Internet communications, including e-mail, and blocked 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 persons invited to meet with diplomats or to attend diplomatic functions received telephone calls from the security services instructing them not to attend.

The Government barred membership in some political organizations and did not permit the formation of new political parties or license politically based NGOs. In practice the Government tolerated some illegal political parties, such as the Communist Union Movement. In some cases authorities harassed illegal parties, such as the Communist Action Party, the People's Party, and the Arab Social Union, but did not arrest individuals for membership. The Government forbids membership in Islamist parties, and authorities arrested, and in some cases prior to the reporting year, executed these members.

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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and the press. 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. Individuals could not criticize the Government publicly or privately without fear of reprisal. 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 sectarianism.

The Government heavily influenced the media, and the Government or the Ba'ath Party owned most newspaper publishing houses. A number of quasi-independent periodicals, usually owned and produced by figures with government connections, were published during the year.

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-Iqtissadi*, a business weekly, and *Al-Riyada wa Al-Shabab*, a magazine for young sports fans. In May 2009 Prime Minister Mohamad Naji al-Utri decreed that public-sector entities (e.g., businesses and education facilities) could not work with any media outlet except the state-run Syrian Arab News Agency. Civil society activists' concern the private media's access to social and economic information could be marginalized proved unfounded as public sector entities routinely worked with private media with little or no response from the Government.

The print and electronic media were critical at times of the Ba'ath Party and government performance. They reported openly on a range of social and economic issues, such as corruption in the energy and communications sectors.

The Government or the Ba'ath Party owned and operated some radio and most television companies, and 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.

At year's end the trial of Raghda Hassan on charges of weakening national morale and spreading false information continued in a military court in the city of Homs. According to human rights observers, security forces arrested the 38-year-old writer on February 10 at her home in Tartous, confiscated her laptop and manuscripts, and held her in incommunicado detention, where she remained at year's end. AI believed she was arrested because of her intent to write a novel about sensitive political issues, in addition to suspicion that she belongs to an opposition party.

In November 2009, human rights activists believed Maan Akel, journalist for *Al-Thawra*, a government owned newspaper, was arrested for his writings exposing corruption. Akel was held for three months without charge then released. After his release, Akel was demoted and barred from substantive writing.

The Ministry of Information and the Ministry of Culture 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 security officials deemed threatening or embarrassing to the Government was prohibited. Censorship was usually greater for materials in Arabic. Journalists also practiced self-censorship.

When in doubt, local journalists often shied away from criticism, but it was clearly understood that certain subjects were off-limits, such as writing about the Kurds or criticisms of the president and his family, the security services, or the Alawites. Foreign journalists who did not observe these guidelines were barred from the country, and some Syrian journalists lived outside the country and wrote for Internet publications.

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 one million Syrian pounds (SYP) or (\$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 Internet was widely available in both dial-up and high-speed wireless connections, and Internet cafes continued to proliferate throughout major cities. According to 2010 International Telecommunication Union statistics, approximately 18 percent of the country's inhabitants used the Internet. The Government relied on its press and publications laws, the penal code, and the Emergency Law to censor access to the Internet. The Government also 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.

Human rights activists believed the Government often attempted to collect personally identifiable information of activists in connection with that person's ideology. Human rights activists also claimed that collected personal information was used in retaliation or to coerce activists.

According to various human rights groups, all three of the country's Internet service providers regularly blocked access to a variety of Web sites; observers estimated approximately 180 sites were blocked. The Government blocked access to Web sites associated with Kurdish opposition groups, the Muslim Brotherhood, and the Syrian Muslim Brotherhood. The Government also restricted access to social networking Web site Facebook, video-sharing Web site YouTube, online pan-Arabic newspapers such as Asharq al-Awsat, the online telephone service Skype, and online news services such as LevantNews.com. The pro-reform Web site All4syria.org remained blocked within the country, as it has been since 2004. Cyberdissidents.org reported that at year's end, 12 cyber dissidents were either imprisoned or exiled.

In December, 19-year-old Abdul-Rahman al-Shalabi was released after his May arrest by Air Force Intelligence in Homs, where he served in the Air Defense Unit. According to human rights groups, Shalabi was arrested after frequenting Internet cafes; observers believed that he was interrogated and tortured while detained incommunicado in Damascus and Homs.

On June 23, Kamal Shieko was arrested for traveling with improper documentation. The 32-year-old is a member of the Committees for the Defense of Democratic Liberties and Human Rights in Syria and a known blogger. Many activists believed his human rights and blogging activities were the cause for his continued detention. Shieko's whereabouts remained unknown at year's end.

The trial of detained 20-year-old female blogger Tal al-Mallouhi continued at year's end. The GID summoned Mallouhi to the state security bureau in Homs for questioning in December 2009 and held her incommunicado most of the year. Mallouhi's case garnered international attention, most notably after a September 19 demonstration outside the Syrian embassy in Cairo. Observers believed that international attention prompted authorities to release information about her case. In October, news reports in Syrian media outlets claimed that Mallouhi was being charged for espionage.

In late February 2009 according to human rights contacts, the Government blocked the Syrian Organization for Human Rights (SWASIAH) Web site. Authorities also demanded that SWASIAH chairperson and human rights lawyer Muhanad al-Hasani, arrested later in the year (see section 1.e.), turn over all archived material to them.

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, but the Government imposed restrictions on the ability of public universities to associate with foreign cultural centers.

The Ministry of Culture censored films and exercised the right of approval over films shown at cultural centers operated by foreign embassies. Observers claimed that films made by specific directors such as Steven Spielberg were banned due to perceived connections to the Israeli government.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of assembly, but Emergency Law provisions superseded this right, and the Government did not respect it in practice. MOI permission is required for demonstrations or any public gathering of more than three persons. The Government required political forums and discussion groups to obtain prior approval for lectures and seminars and to submit lists of all attendees. Several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval because they assumed permission would be denied, as has regularly been the case. In many instances the Government took steps to disrupt such gatherings or prevent them from occurring. Either the Government or the Ba'ath Party authorized and organized most public demonstrations.

However, in the penal code there are a variety of laws under which freedom of assembly is restricted or prevented such as article 308 ("membership in an organization that was created to incite sectarian, racial or religious strife"); article 355 ("attending a meeting that is not of a private nature ... where an individual issues calls for rioting or displays signs that perturb the general safety, or undertakes any form of rioting"); article 336 ("gathering or convoy in a public space is considered a riot if ... (b) there are at least seven people gathered to protest a decision or measure taken by the public authorities or (c) if they are more than 20 people and they appear in a way that can threaten general quiet"); and most notably article 288 ("political or social organization or an international group without the permission of the Government").

On January 10, the court of cassation sentenced three members of the illegal Kurdish Azadi Party, Mustafa Jumaa Bakr, Mohamad Saeed Hussein al Omar, and

Saadoun Sheikho, to three years in prison. They were arrested in November 2009 and convicted of weakening national sentiment and undermining state security and were all high-ranking members of the Azadi Party, with Jumaa Bakr as the chairperson. Human rights observers believed these arrests were part of a larger effort to detain and charge Kurdish political activists.

On June 20, a military judge in Qamishli sentenced Mohammed Safo, a leading member of the Kurdish Left Party, to one year in prison, according to human rights observers. Safo was summoned by security services and arrested on March 28, after which he was charged with inciting racial and sectarian hatred and leading a secret unlicensed association.

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. The Government continued to block the multi-year effort by journalists to form an association of journalists reporting for regional Arab media.

The Government did not permit the legal establishment of independent political parties.

The Government granted registration to some groups not engaged in political or other activities deemed sensitive. The Government restricted the activities of associations and their members, and the executive boards of professional associations were not independent.

On July 15, state security services in Idleb arrested Mahmoud Barish, an opposition activist, for his dealings with the Damascus Declaration. Human rights observers stated that Barish will be charged with spreading false news that insults the general sentiment of the state. His trial at a military court was ongoing at year's end.

On August 24, Mohammed Saadoun, a member of the Political Committee of the Azadi Party, appeared before a judge in Qamishli. According to human rights observers, Saadoun was charged with offenses related to freedom of speech and freedom of association. The trial was initially adjourned until September 5 but had not resumed by year's end.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 territories of the state unless restricted by a judicial decision or by the implementation of laws.” Although citizens are ostensibly free to travel internationally, in practice the Government limited freedom of movement for foreign travel and emigration by requiring citizens to apply for exit visas. In addition, the Government often imposed travel bans on oppositionist, human rights, and civil society activists. Diplomats are not permitted to travel in parts of the country, in particular the northeast.

Human rights observers believed the actual number of activists affected by a travel ban was in the tens of thousands and increased throughout the reporting year, partly because many citizens learned of the ban against their travel only after they were prevented from departing the country. The Government also prohibits specific types of individuals from foreign travel based on their work. For example, in 2008 the prime minister issued a foreign travel ban on all petroleum engineers, geologists, and geophysicists working in public oil companies, according to private Web site SyriaSteps.com. These experts were reportedly eligible to travel for training only with prior written permission from the prime minister or the minister of petroleum. The Government usually applied travel bans without explanation for their basis or duration, including cases when individuals needed to travel for health reasons.

Individuals the Government banned from traveling internationally during the year included many of the Damascus Declaration National Council members, political activists and bloggers. Damascus Declaration National Council member Khalaf al-Jarbou was arrested in October 2009, trying to enter Lebanon while under a travel ban. Jarbou was not charged and tried until late 2010.

The Government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting Palestinian and Iraqi refugees. The presence of stateless Kurds in the country remained an issue; there were no reports of government aid for the stateless population.

The Government maintained security checkpoints, primarily in military and other restricted areas. Security services used checkpoints to conduct searches without warrants for smuggled goods, weapons, narcotics, and subversive literature.

Travel to Israel is illegal, and the Government restricted travel near the Golan Heights.

Women older than 18 have the legal right to travel without the permission of male relatives, but a husband or a father may file a request with the MOI to prohibit the departure of his wife or minor dependents from the country.

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 exempt from military service without payment.

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 Muslim Brotherhood have been prosecuted upon their return to the country. The Government routinely arrested dissidents and former citizens with no known political affiliation who tried to return to the country after years or even decades in exile.

Internally Displaced Persons (IDPs).—Observers estimated that there were approximately 300,000 IDPs in the country with numerous media reports on the increasing numbers of internally displaced persons. According to the 2009 UN Syria Drought Response Plan, “1.3 million inhabitants were affected and 800,000 severely affected, more than 95 percent of whom lived in the three governorates of Al-Hassake, Dayr az Zawr, and Ar-Raqqa.” The UN estimated that 29,000 to 30,000 families migrated in 2009 from the region due to the drought and the search for employment. The Syrian Arab Red Crescent (SARC) stated that 60,000 families migrated from the northeast due to the drought in 2010. Outmigration from the al-Jazeera region to urban areas strained already limited resources in cities, increased urban unemployment, and led to the erection of tent communities on cities’ fringes.

It is unclear if there are laws and policies in place in accordance with the UN Guiding Principles on Internal Displacement. The Government provided limited food relief through the SARC. In cooperation with the SARC, international NGOs like the World Food Program and Danish Red Cross provided additional food and medical assistance. There were no government resettlement efforts for internally displaced persons.

Protection of Refugees.—The Government is not a party to either the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. Laws provide for the granting of asylum or refugee status and the Government has established a system for providing protection to refugees. The Government respected the UNHCR’s eligibility determinations regarding asylum seekers.

Several laws regulate the legal status of Palestinian refugees in the country, including one that stipulates Palestinian refugees have the same rights as citizens except for those rights dependent on nationality. The law allows for the issuance of identity cards and the same government protections due to citizens. A 1963 law regulates the issuance of travel documents to Palestinian refugees residing in the country, on condition that they registered with the General Administration for Palestine Arab Refugees and hold Syrian provisional identity cards.

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 account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year the Government returned some Iraqi female refugees whom authorities had arrested on charges of prostitution, depositing them across the border in Iraq, where traffickers often subsequently brought them back into the country. There were also reports that the Government deported Iraqi refugees operating illegal Internet cafes. UN agencies reported that security services continued the practice of detaining Iraqi refugees for working without a permit.

There were no reports of Ahvazis forcibly repatriated to Iran at year’s end. The situation of Ahvazi refugees in the country reportedly remained precarious. The Government reportedly continued to deny departures for resettlement in other countries. As a result of these denials, Ahvazi refugees sometimes attempted illegal border crossings, usually to Turkey, Lebanon, or Jordan. Authorities apprehended and detained some of the refugees for illegal border crossing or use of forged documents. International NGOs knew of at least two Ahvazi refugees the Government accepted for resettlement, but both remained in detention at year’s end.

The UNRWA reported there were approximately 460,000 registered Palestinian refugees in the country during the year, approximately 153,000 of whom resided in UNRWA-administered camps. 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.

At year's end there were approximately 444 Iraqi Palestinian refugees registered at al-Hol camp after moving there when al-Tanf camp on the Syrian-Iraqi border closed on February 1. Approximately 2,450 Iraqi Palestinians lived in Damascus and its outlying areas at year's end, with the majority living in Al-Yarmouk camp. The refugees were registered with UNRWA and had access to its services. However, the Government does not consider their UNRWA registration legal and did not grant them the right to work.

Approximately 13,250 Iraqi refugees registered for assistance with the UNHCR during the year, bringing the total number of registered refugees to 151,907. Most received legal and material assistance from the UNHCR and other international and nongovernmental humanitarian organizations. The UNHCR continued to estimate that between 200,000 to 300,000 displaced Iraqis lived in the country but the estimate from the Ministry of Foreign Affairs was much higher. The total number of Iraqis in the country without visas is unknown. The Government generally continued to honor the UNHCR's request that states maintain temporary protection for all Iraqi asylum seekers and persons whose applications were rejected, and it recognized refugees whose cases resettlement countries had suspended during the year. Since 2007 the Government required all Iraqis to obtain a visa before entry; citizens of other Arab League countries were able to enter the country without a visa for a renewable period of as long as three months. The extent to which authorities enforced the policy at the border remained unclear. The Government rarely granted refugees a work permit and many refugees resorted to daily labor in the informal sector as guards, construction workers, street vendors, and in other manual jobs.

Generally, Palestinians living in the country are divided into four groups, according to the year in which they arrived. According to the requirement criteria many Palestinians are excluded from legal work opportunities and paid illegally.

There are no direct provisions in the law giving refugees the right to work. According to the UNRWA, the rules for employment of citizens are applicable to Palestinian refugees provided that they have been living in the country for at least 10 years.

The Government allowed Iraqi children to attend schools, and according to a UNHCR estimate, 24,594 Iraqi children were enrolled in public schools in the 2009-10 academic year, compared with approximately 33,000 during 2008-09. Most public schools had difficulty accommodating the large number of children of Iraqi refugees. Many Iraqi children did not attend school for such reasons as overcrowding, difficulties with the curriculum, and previous psychological trauma of parents and children. However, the year-on-year decrease of student enrollment received international attention. Many observers believed it could be attributed to increased financial difficulties for Iraqi families, as they do not have the legal right to work in Syria, causing children to leave school for any paying job, legal or illegal.

Stateless Persons.—Citizenship is derived solely from the father, living or deceased. Following the 1962 census, approximately 120,000 Syrian Kurds lost their citizenship. As a result, those individuals and their descendants remained severely disadvantaged in terms of social and economic opportunities 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, and lack of citizenship or identity documents restricted their travel to and from the country. In September, the UN special rapporteur on right to food stated that between 250,000 and 300,000 stateless Kurds remained in the country.

Despite the president's repeated promises to resolve the matter of stateless Kurds, there was no progress during the year.

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

Although the constitution provides the right for citizens to peacefully change their government through elections, in practice they did not have that right because elections were neither free nor fair. 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. The presidential candidate is then approved by a majority of votes in a popular referendum. The president and

his senior aides, particularly those in the military and security services, made most political and economic decisions with a limited degree of public accountability.

Elections and Political Participation.—The most recent presidential, parliamentary, and local elections took place in 2007. The Government barred international election monitors from entering the country to observe the elections. Local and international human rights advocates judged all three elections as neither free nor fair and stated that they served to reassert the primacy and political monopoly of power Asad and the Ba'ath Party apparatus wielded. Although some opposition groups estimated voter turnout in the presidential election at significantly less than 50 percent, the Government's official statistics reported voter turnout to be 96 percent, and President Asad reportedly won 98 percent of the vote. Outside observers uniformly dismissed the voter statistics as fraudulent and not representative of observed participation.

The president and the Ba'ath Party suppressed political opposition. The constitution provides that the Ba'ath Party is the ruling party and ensures that 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 constitute the National Progressive Front (NPF), a coalition of parties that accept the leading role of the Ba'ath Party. Originally established in 1971, the Ba'ath-dominated NPF represented the only framework for legal political party participation for citizens. The Ba'ath Party dominated the 250-member parliament, or People's Council. During the 2007 parliamentary and local elections, NPF candidates won an overwhelming majority of offices. Some independent candidates the Government had vetted were permitted to run and win seats at parliamentary and local levels.

The Government did not permit the establishment of independent political parties. In recent years citizens sought to establish political parties but did not receive licenses from the Government. In practice the Government tolerated some political parties, such as the Communist Union Movement, and it subjected members of other parties, such as the Communist Action Party, the People's Party, and the Arab Social Union, to harassment but not automatic arrest for membership. Members of Islamist parties were subject to immediate arrest and, in previous years, execution. Including the Muslim Brotherhood and 12 Syrian Kurdish parties, there were an estimated 30 illegal opposition political parties of varying sizes and influence operating in the country.

Women and minorities generally participated in the political system without formal restriction. During the year a female vice president and three female cabinet ministers were in office. Thirty of the 250 ministers of parliament were women. In addition, the president had two high-ranking female advisors.

There was one Druze and one Kurdish minister in the parliament. Alawites, the ruling religious minority, held a large percentage of cabinet and parliamentary seats. According to human rights observers, ethnic and religious minorities outside the Alawite and Christian communities claimed they had no genuine representation in the Government and that minority representatives were often more responsive to the ruling party than to their minority constituencies.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. There were reports of government corruption during the year, and the World Bank's Worldwide Governance Indicators reflected that corruption was a problem. Notwithstanding the investigation and dismissal of scores of mid- and low-level officials for corruption during the second half of 2010, many other officials continued to engage in corrupt practices with impunity.

Corruption continued to be a pervasive problem in the police forces and security services. During the year there were reports of prison guards demanding bribes from prisoners and their visitors. Visiting family members who paid higher bribes enjoyed visits to detainees without police surveillance. Bribes reportedly ranged from 200 to 3,300 Syrian pounds (\$4 to \$75). Human rights lawyers and family members of detainees also 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, and child laborers reported bribing police to avoid arrest.

There are no public financial disclosure laws for public officials. The prime minister's Central Commission for Control and Inspection is the main administrative body responsible for coordinating and monitoring public sector corruption. Each government body, including the ministries, has a Control and Inspection Department that reports directly to the Central Commission. There is no government body charged with monitoring private-sector corruption.

In August the Government announced that the volume of official corruption during the past 19 months amounted to five billion Syrian pounds (\$104 million). However, independent observers claimed the number was much higher. According to Transparency International, corruption worsened relative to the prior reporting year.

There are no laws providing for public access to government information, and the Government granted no access in practice.

Section 5. 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 that the Government harassed domestic human rights activists by subjecting them to regular surveillance and imposing travel bans as activists sought to attend workshops and conferences outside the country.

NGOs reported that they rarely received responses from the Ministry of Social Affairs and Labor. 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 had violated national security laws; or, if the case was in criminal court, that the executive could not interfere with the country's independent judiciary.

In general, the Government remained highly suspicious of international human rights NGOs and typically did not allow them into the country. As a matter of policy, the Government denied to international human rights groups that it commits human rights abuses. The Government did not agree to a request from HRW to visit the country during the year.

At year's end the Government had signed memoranda of understanding with at least 14 international humanitarian NGOs—including Premiere Urgence, the Danish Refugee Council, the Danish Red Cross, International Medical Corps, the Qatari Red Crescent, the Institut Europeen de Cooperation et de Developpement, the Turkish Blue Crescent, Enfants du Monde-Droits de l'Homme, HELP, International Rescue Committee, Mercy Corps, and the Islamic Relief France—primarily for projects related to assisting Iraqi refugees. The Government monitored this work closely and restricted outreach efforts.

On June 20, UN High Commissioner for Refugees Antonio Guterres visited the country, to commemorate World Refugee Day. On February 19-20, UNRWA Deputy Commissioner-General Filippo Grandi visited to discuss the situation in Gaza.

There were two significant criticisms of the Government by UN bodies during the year. On May 3, the UN Committee Against Torture released a review highlighting the concern that "[t]he state of emergency remained in force in Syria and that, under the applicable legal regime, the concept of a threat to national security was so broad that apparently almost anything could be covered by it."

On September 7, the UN special rapporteur on the right to food, Olivier De Schutter, acting on a mandate from the UN Human Rights Council, issued a report on the right to food, in regards to human rights and humanitarian situations in the country. The report highlighted the drought in the northeast and the severe effects that the Kurds faced in that region.

Section 6. 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. 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 assisted in economic, social, or educational advancement. Party or government connections made it easier to gain admission into better elementary and secondary schools, to access lucrative employment, and to achieve greater power within the Government, the military, and the security services. The Government reserved certain prominent positions, such as provincial governorships, solely for Ba'ath Party members.

Women.—A number of sections of family and criminal law are based on Sharia and do not treat men and women equally. Some personal status laws use Sharia regardless of the religion of those involved in the case. Rape is a felony, and the Government effectively enforced existing rape laws. There are no laws against spousal rape. According to article 439 of the penal code, "rape is considered to occur when a man forces a woman who is not his wife to have intercourse," subject to punishment of at least 15 years in prison. Article 508 of the penal code stipulates: "If there is a contracted marriage between the man who commits rape, sexual abuse, kidnapping, sexual harassment and the victim, then there is no charge or the pun-

ishment is stopped." 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 stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. While statistics on the matter are rare, observers claimed that there were a minimum of 1,300 cases of rape in 2009. Statistics on spousal rape were not available. Activists asserted that rape was a serious problem in the country; and the police and judiciary have shown a willingness to prosecute rapists.

The law does not specifically prohibit domestic violence, and violence against women occurred during the year. The majority of domestic violence and sexual assault cases went unreported; victims have traditionally been reluctant to seek assistance outside the family for fear of social stigmatization. Observers reported that when some abused women tried to file a police report, the police did not respond to their claims aggressively, if at all. 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 Sisters of the Good Shepherd in Damascus continued to run a 24-hour emergency shelter and telephone hotline for female victims of domestic violence. The hotline was staffed by more than 40 people on rotating shifts. Shelter workers said police had been increasingly helpful in referring women to the shelter. The Association for Women's Role Development, Oasis of Hope, and the Syrian Family Planning Association also provided family and psychological counseling. There were at least four private shelters open to battered women in Damascus.

Gender-based violence was a continuing concern among the Iraqi refugee population, with 461 known cases of sexual and gender-based violence as of June. Updated figures were not available at year's end. The UNHCR reportedly supported several "safe houses" in Damascus that provided accommodation, food, social counseling, vocational training, and legal and medical services for women and children who suffered any form of violence in Iraq or Syria.

The Government kept no official statistics on honor crimes, and when cases were reported, full names were rarely given. Advocacy groups did not release full names to protect victims. There were numerous press and anecdotal reports of honor crimes throughout the year. According to the most recent MOI estimate, 38 honor crimes took place between June 2008 and June 2009. Women's rights observers estimated there were between 300 and 400 such killings during the year. Other women's rights activists also stated that the actual numbers were higher than reported. Further, families or friends willing to discuss the cases refused to divulge names for reasons of privacy or fear of retribution. Most honor criminals, human rights activists claimed, were convicted under article 192, which permits judges to reduce legal penalties in cases when an individual's motive for murder is a sense of honor.

On May 19, Hasso Abdal, a resident of Hassakeh, murdered his 21-year-old daughter by shooting her in the head. Observers report that the daughter was married at age 16 and then divorced. A second marriage also resulted in divorce. The victim then ran away with a local policeman who promised to marry her. Soon after, the policeman was arrested and the woman was placed in the custody of her family, after which her father shot her.

In September, according to observers, a man killed his 15-year-old daughter in a village near the city of Ifreen, in the Aleppo Governorate; the father surrendered to the police, claiming that he killed his daughter for a "decent motive."

The UNHCR observed that there was a growing practice of *muta'a*, a temporary "pleasure marriage" conducted by some Shiite clerics. These marriages are of predetermined duration 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. Most 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.

Couples and individuals generally have the right to decide freely and responsibly the number, spacing, and timing of their children and the means to do so free from discrimination, coercion, and violence. Although the supply of modern contraceptives was available to less than half of the public, most of the demand for family planning was satisfied in the country, according to the NGO Population Reference Bureau (PRB). In Damascus, grocery stores openly sold condoms. Skilled personnel attended approximately 98 percent of all births, and more than 80 percent of women who

gave birth had access to postnatal care, according to the PRB. According to statistics compiled by international organizations, there were approximately 46 maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding diagnosis and treatment of sexually transmitted infections. According to the latest data, the rate of prevalence of HIV/AIDS was 0.01 percent in 2001.

The constitution provides for equality between men and women and for the “right of every citizen to earn his wage according to the nature and yield of the work.” 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 MOJ, and the Ministry of Social Affairs and Labor (MoSAL) shared responsibility for attempting to provide for equal legal rights of women.

Personal status, retirement, or social security laws 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. For Muslims, personal status law is based on the Government’s interpretation and application of Sharia, which treats men and women differently.

A divorced woman is not entitled to alimony in some cases, such as if she gave up her right to alimony to persuade her husband to agree to the divorce. In addition, under the law 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 Sharia. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. In all communities, 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 there were reports that in some regions custom prevailed over the law, and women were denied any inheritance.

A woman’s husband or any other male relative may request that his wife’s and his minor dependents’ travel abroad be prohibited. Although 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. Various sources observed that women constituted an appreciable minority of lawyers, university professors and other professions. According to the World Bank, 60 percent of secondary school teachers in 2008 were women. Additionally, women were represented in the judiciary, parliament, and high levels of government, including three cabinet ministers and one vice president.

Children.—Citizenship is only passed through the father. There were reports of rare cases of persons granted Syrian citizenship after years in the country.

The Government provided free public education to citizen children from primary school through university. Education is compulsory for all children between the ages of six and 12. Noncitizen children could also attend public schools free but required prior permission from the Ministry of Education. 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. 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 or older and a female 13 years or older may be married if a judge deems both to be willing parties to the marriage, both are “physically mature,” and the father or grandfather consent. Although underage marriage has declined considerably in the past decades, it remained common and occurred in all communities, albeit in greater numbers in rural and less developed regions.

The country lacked a formal law protecting children from abuse. There were reports of children under the age of 18 engaging in prostitution, but the country was not considered a destination for child sex tourism. The penal code stipulates penalties for those found guilty of certain forms of child abuse associated with trafficking crimes—namely kidnapping and forced prostitution—both of which carry a penalty of up to three years in prison. Rape of a child under the age of 15 is punishable by up to 21 years in prison. Pre-marital sex is technically illegal, but observers claim the law is never enforced. Child pornography is a very serious offense: Article 5 of Decree 3, the country’s first anti-trafficking law, stipulates that any form of child pornography is a trafficking crime.

Violent schoolteacher behavior was reportedly not unusual, a perception strengthened by a video posted on September 14 on Facebook of teachers using a wooden stick strongly beating a boy on the soles of his feet and a girl on her hands. The perpetrators of the beating were subsequently identified and dismissed.

Human rights organizations reported multiple cases in which security services detained minors and placed them in adult prisons.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport-4308.html>.

Anti-Semitism.—There were an estimated 100 to 200 Jews living in the country. Jewish leaders reported no acts of physical violence or specific instances of anti-Semitism against, or harassment of, Jewish persons. However, the media contained anti-Semitic material, such as a cartoon in the February 22 newspaper *Abidh Wassoud* titled "Resistance Prevents Jews From Swallowing the World," which portrayed a Jewish man about to eat the world. Similarly, on November 25, a cartoon appeared in the English-language newspaper *Syria News* showing Uncle Sam's body with a stereotypical Jewish hat and head with the title "Who's In Charge?" On December 29, the newspaper *Al-Thawra* pictured Uncle Sam and an old Jewish man standing beside the hospital bed of a sick African child with the heading "Jew, U.S. Fear for Darfur's Health-Due to Darfur Oil."

On June 9, a Syrian delegate in speaking to the UN Human Rights Council claimed that Jewish authorities taught hatred of Arabs to small children. Alluding to the blood libel, she alleged that children on buses in Israel were taught to sing a song as they went to school containing the words, "With my teeth I will rip your flesh. With my mouth I will suck your blood."

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector workforce; but the Government did not effectively enforce these provisions. The law protects persons with disabilities from discrimination in education, access to health, or provision of other state services. Article 7 of Law 50 reserves 4 percent of government jobs for persons with disabilities. Article 136 of Law 17 reserves 2 percent of private business jobs for persons with disabilities. Private businesses are eligible for tax exemptions after hiring persons with disabilities. The MoSAL is responsible for assisting persons with disabilities and worked through dedicated charities and organizations to provide assistance, often to promote self-sufficiency through vocational training. There were no reports of abuse patterns in mental health facilities.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities but the Government's actions toward the Kurdish minority remained a significant exception. Security services arrested hundreds of Kurdish citizens during the year, and the SSSC prosecuted them, in some cases on charges of seeking to annex part of Syria to another country. These efforts were widely documented, including in a November 2009 Human Rights Watch report *Repression of Kurdish Culture and Rights in Syria*.

For example, on March 21, security forces fired on a crowd of Kurds in Raqqah, a town in the northeast, during their annual Nowruz celebrations. According to HRW, Kurds congregated on the outskirts of Raqqah at about 9 a.m. at a gathering organized by the PYD (Hezb al-Ittihad al-Dimocrati), an unlicensed party in the country. Kurdish flags and pictures of Abdallah Ocalan, jailed leader of the terrorist organization Kongra-Gel, the former PKK, were displayed at the gathering. After a short time, uniformed and plainclothes security forces attempted to disperse the crowds by force. Kurdish human rights groups stated that two people were killed during the demonstrations, although only one death, that of Muhammad Omar Haydar, was confirmed by observers and human rights activists. Security forces arrested dozens of Kurds during and after the festival. At year's end no formal investigations had been undertaken. Nowruz festivals have had a history of being interrupted, sometimes violently, throughout the country.

On September 7, UN special rapporteur on the right to food, Olivier De Schutter, acting on a mandate from the UN Human Rights Council, issued a report on the right to food, in regards to human rights and humanitarian situations in the country. One of the main recommendations of the detailed examination called on the Government to stop its discrimination against the 250,000 to 300,000 stateless Kurds, who among other handicaps, lacked access to the public distribution of subsidized food. The report concluded that "nothing short of attribution of full citizen-

ship rights is required” for stateless Kurds to realize the full range of their human rights, particularly economic, social, and cultural rights.

According to a Kurdish news Web site, on November 7, Kurdish lawyer and writer Mustafa Ismail was convicted of “working to withhold part of Syrian territory and annex it to the foreign State” and sentenced to seven years in prison. He was tried before a military judge in Aleppo when he pled not guilty to all charges against him.

A Kurdish-run human rights watchdog, Kurdwatch.org, estimated that as of October 11, there had been 59 arrests and 38 convictions of Kurds. In addition, the Web site recounted that 26 of the 38 convictions were for having connections to a political party.

In December 2009 human rights observers reported that writer and activist Bir Rustom was arrested as a result of his travel to Iraqi Kurdistan. Rustom was summoned for questioning by security officials, and then detained. In response to his family’s inquiries, security officials said they knew nothing about his status. At year’s end Rustom had not been sentenced, and his whereabouts remained unknown.

Many human rights observers believed that the Government deliberately attempted to stop any public display of “Kurdishness.”

Although the Government contended 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 in Kurdish, Kurdish cultural expression, and at times the celebration of Kurdish festivals. After beginning in 2009, authorities continued enforcement of an old ruling requiring that at least 60 percent of the words on signs in shops and restaurants be in Arabic. Officials reportedly sent patrols into commercial districts to threaten shop owners with closure if they refused to change the names of their stores into Arabic. Minority groups—especially Kurds, whom the Government appeared to target specifically—regarded the step as a further attempt to undermine their cultural identity.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizing homosexual conduct states that each sexual act “contrary to nature” is punishable by as long as three years in prison. Because homosexual conduct was both unlawful and considered shameful, the law made gays, lesbians, and transgendered individuals vulnerable to honor crime retaliation. Penal code Article 192 permits judges to reduce legal penalties in cases when an individual’s motive for murder is a sense of honor.

There were no reports of prosecutions under laws criminalizing homosexual conduct during the year nor evidence of honor crimes against gays and lesbians; however, reports indicated that dozens of gays and lesbians have been imprisoned over the past several years after being arrested on vague charges such as abusing social values, selling, buying or consuming illegal drugs, and organizing and promoting “obscene” parties. There were no reports of punishment for female homosexual behavior.

The size of the lesbian, gay, bisexual, and transgender (LGBT) community was unclear, as many individuals feared identifying themselves as such or forming LGBT associations due to societal discrimination and the potential for criminal charges. There were no NGOs focused on LGBT matters. There were several online networking communities, including Facebook pages, that served the local LGBT community. However, increasing Internet connectivity in the country, albeit under the Government’s watchful eye, helped network the community.

Human rights activists believed there was overt societal discrimination based on sexual orientation in all aspects of society. There are no official discriminatory laws based on sexual orientation in employment, as homosexuality is a crime in the country. There were no reports during the year of specific employment or government service discrimination based on sexual orientation.

Other Societal Violence and Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS. Human rights activists believed that the extent of the problem was widely underreported.

Section 7. Worker Rights

a. The Right of Association.—Although 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 may join the union representing their profession but may not run for election to union office, with the exception of Palestinians who can serve as elected officials in unions. 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 the Ba’ath Party; it controlled most aspects of union activity, including which sectors or areas of activity can have a union.

The GFTU advised the Government on legislation, organized workers, and formulated rules for member unions, effectively controlling nearly all aspects of union activity, and has the power to disband union governing bodies. Union elections were generally free of direct, overt GFTU interference, but 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.

Foreign workers can join unions according to sector but are prohibited from serving as elected officials, with the exception of Palestinians who can serve as elected officials in unions. And collective bargaining was not practiced in any meaningful way. 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. There were reports of a strike at a port in Tartous by more than 2,500 workers demanding better working conditions and pay raises, which they received. Observers claim that strikes are rare for fear of repercussions.

The law does not prohibit strikes. However, strikes with more than 20 workers in certain sectors including transportation and telecommunication are punishable by fines and prison sentences. Workers who strike in public places are subjected to fines and prison sentences. Previous government punishment, including fines and prison sentences, deterred workers from striking. Forced labor was imposed on individuals who caused "prejudice to the general production plan." There are no legal protections for self-employed workers even though they comprise more than 55 percent of the total workforce.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively; this right did 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, but foreign workers were excluded from this right.

The law provides for collective bargaining in the private sector, although past government repression dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settled most disputes without resorting to legal remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the MOJ'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 often.

There were no reports of antiunion discrimination and a mechanism to report this practice does not exist. Unions are part of the Government's bureaucratic structure and the law protects union members from discrimination.

According to labor law all public-sector workers are members of a union. Firms in the free trade zones (FTZs) 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. The Ministry of Economy and Trade governs the FTZs and makes unannounced inspections.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit all forms of forced or compulsory labor, and the forced or compulsory labor existed in the country. Domestic workers such as housekeepers, cooks, and servants were subjected to excessive work hours, inadequate living quarters, restrictions on movement and communication, and emotional and physical abuse from employers.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law provides for the protection of children from exploitation in the workplace. Independent information and audits regarding government enforcement were not available. The Ministry of Social Affairs and Labor is the primary institution overseeing child labor but the exact monitoring mechanisms are unknown. The ministry is also responsible for tracking enrollment of children in schools up to age 15. Child labor is the main source of income for some Iraqi families in refugee camps as they are not allowed to legally work.

The private-sector minimum age for employment is 15 years for most types of nonagricultural labor and 17 years for heavy work. Children of legal age may work only six hours a day and may not work during night shifts, weekends, or on official holidays. In all cases parental permission is required for children younger than 16 to work. Most children younger than 16 who worked did so for their parents in the agricultural sector without remuneration. Although 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. The law prohibits children younger than 15 from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

During the year increasing numbers of children were compelled to work, according to human rights advocates. The MoSAL reportedly asserted that 500 children were involved in child labor. The International Labor Organization (ILO) and the UN Children's Fund estimated the number to be 650,000.

The MoSAL, with the ILO, launched a national program to eradicate child labor in Syria. On August 10, the World Health Organization sponsored a workshop on eliminating child labor, and the seminar focused on strengthening the national capacity to eliminate child labor.

There was evidence that children engaged in some of the worst forms of child labor during the year, including forced labor and prostitution. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

In August, according to local media, the Ministry announced new provisions to prevent child begging and solicitation. The provisions include fines ranging from SYP 23,000 to SYP 46,000 (\$500 to \$1,000), but monitoring and enforcement measures are unclear. Many observers were not aware of this law and details were not available at year's end.

The MoSAL monitored employment conditions for persons younger than 18, but there were too few inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers daily to enforce the law, but the scope of these checks was unknown. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The public sector minimum wage is divided into five categories based on job type and/or level of education. The minimum monthly wage for an individual with four to five years of university education was SYP 9,645 to 9,965 (\$211 to \$218), plus benefits; with a high school diploma up to two years of university education, SYP 7,750 to 8,465 (\$169 to \$185); with a junior high school diploma, SYP 6,765 (\$148); for drivers, SYP 6,200 (\$136); and laborers or janitors, SYP 6,010 (\$132). Benefits included compensation for meals, uniforms, and transportation. The minimum wage did not provide a decent standard of living for a worker and family. Private-sector companies usually paid much higher wages. Many workers in both the public and private sectors took additional manual jobs or were supported by their extended families. Observers claimed that second jobs provided an extra SYP 4,500 to SYP 9,000 (\$100 to \$200) per month. The labor and social affairs minister was responsible for enforcing the minimum wage. The ministry has special inspectors who are tasked with unannounced inspections to ensure compliance with minimum wage, employee benefits, and child labor laws.

The public-sector workweek was 35 hours; the private sector's was 48 hours. Workers were guaranteed one 30-minute lunch break per day at minimum. 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; 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 more 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. Migrant workers are not covered under these laws and are vulnerable to abuse.

On March 29, the president issued Labor Law 17, which prohibits discrimination against workers based on race, skin color, sex, marital status, religion, political viewpoints, nationality, social background, or dress. The law further states that any worker can seek damages against any employer who is in violation of this law. Among other provisions it also increases employment-violation fines from SYP 200 to SYP 500,000 (\$4.50 to \$11,000); establishes a special court in each governorate

to oversee employment disputes; and sets up a national committee on the minimum wage.

TUNISIA

Tunisia is a constitutional republic with a population of approximately 10 million, which during the year was dominated by a single political party, the Democratic Constitutional Rally (RCD). As of December 31, Zine El Abidine Ben Ali, the country's president since 1987, was still in office. In October 2009 President Ben Ali ran for reelection against three opposition candidates and was declared the winner with 89.6 percent of the popular vote to serve a fifth five-year term. In concurrent elections for the Chamber of Deputies, the RCD won 161 of 214 seats. Restrictions imposed upon candidates and various procedural aspects of the elections raised doubts about whether either the presidential or legislative elections were free and fair. In 2008 indirect elections for some seats in the Chamber of Advisors, the upper house of parliament, resulted in a heavily pro-RCD body. Security forces reported to civilian authorities.

During the year there were significant limitations on citizens' right to change their government. There were reports of at least one arbitrary or unlawful killing. 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. Severe government-imposed restrictions on freedoms of speech, press, and association worsened in the period leading to and following the October 2009 elections. The Government remained intolerant of public criticism, and there were widespread reports it used intimidation, criminal investigations, the judicial system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism. Corruption among government officials 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.—During popular riots against President Ben Ali's rule that started on December 18, security forces in the town of Menzel Bouzaïene, in the central Sidi Bouzid region, used live ammunition on protesters and shot and killed Mohammed Ammari on December 24. Security forces claimed that Ammari was shot in self-defense after shots fired into the air failed to disperse scores of protesters who were setting police cars and buildings ablaze.

There were no developments or reports of a government investigation in the 2008 death by electrocution of protester Hichem Alaimi at a power station in Redeyef, or the 2008 shootings of Hafnaoui Al-Maghzaoui and Abdelkhalak Amaïdi by security forces during the 2008 Gafsa protests. There were no reports of court cases opened into either case.

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 several reports by independent domestic and international human rights organizations, security forces tortured detainees to elicit confessions and discourage resistance and engaged in beatings and other cruel treatments and punishments.

Reported methods of torture 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 threats of sexual assault against prisoners' wives and daughters to extract information, intimidate, and punish.

Charges of torture in specific cases were difficult to prove, and authorities generally did not take steps to investigate allegations or punish perpetrators. There were several allegations that authorities 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 alleged victims sometimes accused police of torture without filing a complaint, which is a prerequisite for an investigation. However, according to defense attorneys and local and international human rights groups, police routinely refused to register complaints. Judges sometimes dismissed complaints without investiga-

tion 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 such cases the results were not made public or available to the lawyers representing affected prisoners.

Reports of torture were most frequently associated with the initial phases of interrogation and investigation and more often in pretrial detention centers than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior and Local Development as the most common location for torture. Political prisoners, Islamists, and persons detained on terrorism-related charges allegedly received harsher treatment than other prisoners and detainees, including reports of torture, solitary confinement, and cancellation of family visitation rights. Government forces also abused individuals outside custody, most commonly human rights or opposition activists, allegedly for purposes of intimidation or retaliation for unauthorized activities.

On April 24, plainclothes police arrested human rights activist and independent journalist Zouheir Makhoulouf at his home. Makhoulouf stated that when he asked them for an arrest warrant, officers beat him in front of his wife and children and took him to the Borj Louzir police station in Tunis, where they interrogated him for seven hours. Makhoulouf suffered from a broken nose and a black eye and reported his physician put him on bed rest for 21 days to recover from his injuries.

On July 9, two police officers attacked and detained Ismail Debara, a journalist with the Democratic Progressive Party (PDP)'s Arabic biweekly, *Al-Mowqif*, in downtown Tunis. The officers seized his briefcase, confiscated his private papers, and took him to a police station in downtown Tunis, where they allegedly further threatened and verbally assaulted him. The police asked Debara to sign a statement stipulating that he was caught putting stickers and invitations to a PDP conference on the hoods of parked vehicles. Debara allegedly refused to sign and was subsequently released.

On September 5, according to local human rights monitors, Mornaguia prison guards led by Ali Ouerqli violently beat Ramzi Romdhani, causing him grievous bodily harm and perforating his right eardrum. Romdhani was then chained and placed in solitary confinement until September 9. Romdhani, who was serving a 29-year sentence on terrorism-related charges at Mornaguia Prison in Tunis, previously reported that guards tortured him in April 2009. The guards reportedly kicked him, causing him to lose several teeth, burned him with cigarettes, and submerged his head in a bucket of water until he fainted.

On December 28, plainclothes police arrested human rights activist and lawyer Abderraouf Ayadi without an arrest warrant at his home. Ayadi was taken to an undisclosed location where he was detained for a day, interrogated, and severely beaten, resulting in numerous cuts and bruises to his back. He reported that he was arrested for a speech he made during demonstrations led by lawyers in Tunis on December 27.

There were no developments in the March 2009 case of Abdelmottaleb Ben Marzoug, who alleged he was suspended in a "roasted chicken" position by state security forces at an Interior Ministry detention center in an attempt to extract a confession of his alleged participation in a physical altercation at a bar. At year's end Marzoug remained in prison on terrorism charges, and the investigating judge had not ordered an investigation into Marzoug's allegations of torture.

Wahid Brahmi dropped all claims of torture and rape against the Government. In September 2009 Brahmi published a letter in *Al-Mowqif* alleging that Gafsa prison officials had tortured and raped him in custody beginning in 2008. At year's end he was reported to be employed by the Government in his hometown of Sidi Bouzid.

There were no developments in the May 2009 case of human rights activist Ammar Amroussia, allegedly assaulted by six police officers, including Gafsa police chief Sami Yahyaoui; the state security forces' June 2009 assault on human rights attorneys Abdel-Raouf Ayadi, Radia Nasraoui, and Abdelwahed Maatar; the June 2009 armed attack on the PDP secretary general Maya Jribi and other party members that police and security forces failed to stop; the alleged September 2009 assault on Radia Nasraoui and her husband and official spokesperson of the banned Communist Party of State Workers, Hama Hammami, by plainclothes police; or the abduction of prominent independent journalist Slim Boukdhir, allegedly orchestrated by several plainclothes police officers.

There were no developments in the 2008 cases of 68 protesters arrested and allegedly tortured during unemployment protests in Gafsa; the alleged rape in prison of opposition member Zakia Dhifaoui; the alleged assault by security forces on Fatma Ksila, secretary general of the Committee for the Respect of Freedom and Human Rights in Tunisia, and on Samia Abbou, a member of the Tunisian Association for

Combating Terrorism, which prevented the two from meeting with torture victims' families; the assault on a PDP member who was selling copies of Al-Mowqif; or the assault on Hamma Hammami.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed significant threats to prisoners' health. There were credible reports from former political prisoners, human rights activists, and family members of detainees that authorities sometimes denied injured or sick prisoners prompt access to medical care. The Government permitted the International Committee of the Red Cross (ICRC) access to prisons but did not grant access to 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 as many as 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 the 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. According to prisoners' families, the Government imposed arbitrary restrictions, such as limiting family visits, when prisoners sought redress for grievances about treatment and conditions.

There were reports that prison officials arbitrarily decided when to grant or deny prisoners access to medication. According to the International Association for the Support of Political Prisoners (AISPP), the administration at Mornaguia Prison in Tunis on January 6 denied prisoner Mohamed El-Lafi medication he needed for his high blood pressure and skin ailments. It did not report whether El-Lafi subsequently received medication.

On January 15, according to local human rights monitors, Mornaguia prison authorities deprived Ramzi Romdhani of medical treatment and a surgical operation recommended by the prison physician. Human rights attorneys believed that Romdhani was denied treatment in retaliation for reporting to his family and attorney he had been tortured at an Interior Ministry facility (see section 1.c.).

From July 21 to 27, Hatem Harmi reportedly went on a hunger strike in Mornaguia Prison to protest prison conditions; he alleged 100 prisoners were confined in the same room and three prisoners had to share a single bed.

There were no reports of an investigation into the January 2009 death of Anouar Ferjani who, according to AISPP, died in custody in Mornaguia Prison as a result of deliberate neglect and denial of medical care. Ferjani had been sentenced to two years in prison in 2008 on terrorism-related charges.

Most 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 Ministry of Interior instead of Ministry of Justice and Human Rights officials. Prison administrators and guards allegedly instructed other inmates to stay away from political prisoners and punished the other inmates severely for making contact with the political prisoners. Human Rights Watch (HRW) reported in early 2008 the Government was keeping some political prisoners, most of whom were outlawed Islamist party An-Nahdha leaders, in small-group isolation (see section 1.e.). According to prisoner and detainee testimony, prison conditions for women were generally better than those for men. The law requires that pretrial detainees be held separately from convicted prisoners, but in practice they were not always separated.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prisoners and detainees reported inhumane detention conditions to their lawyers and family members, but there were no reports of government investigations into these allegations of inhumane detention conditions. Civil society activists and lawyers reported prisoners on death row were denied access to visitors.

The Governmental Higher Committee for Human Rights and Civil Liberties continued to make unannounced prison visits and inspections of Ministry of Justice facilities during the year; however, the committee's reports were not made public.

The ICRC continued to visit detainees in prisons and detention facilities. The ICRC did not report the Government impeded its visits. Per its standard modalities, the ICRC shared its observations and recommendations with government authorities on a confidential and bilateral basis. According to its most recent annual report in 2009, the ICRC conducted 56 visits to 37 detention centers. These centers held a total of 23,319 detainees; the ICRC held individual interviews with 546 detainees. No updated figures were available at year's end. The Government did not permit media or independent local or international human rights groups to inspect or mon-

itor prison conditions. Although the Government pledged to the UN Human Rights Committee in 2008 it would allow HRW to visit prisons, negotiations between the Government and HRW remained stagnant due to the Government's refusal to permit HRW to meet with specific prisoners.

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 Ministry of Interior controls several law enforcement organizations including police, who have primary responsibility for law enforcement in 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 viewed as posing 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, and police brutality took place. Law enforcement organizations sometimes operated with impunity, sanctioned by high-ranking officials. Police attacked dissidents and oppositionists.

The Ministry of Interior's Higher Institute of Internal Security Forces and Customs has oversight of law enforcement officers in the ministries of interior and customs and the authority to investigate security force abuses. The organization's stated mission is to reinforce human rights and improve law enforcement; however, no information was available about its operations or any punishment of police or prison guards.

Arrest Procedures and Treatment While in Detention.—The law provides that 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 as long as six days before arraignment, during which time the Government may hold suspects incommunicado. This time limit was not always observed. Arresting officers must 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 police sometimes ignored those rules. Detainees not being held incommunicado were allowed access to family members, 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. The Government did not regularly uphold these rights. Detainees do not have a right to legal representation during prearrest detention. Attorneys, human rights monitors, and former detainees maintained authorities illegally extended detention by falsifying arrest dates. Police reportedly extorted money from families of detainees in exchange for dropping charges against them. The law permits the release of accused persons on bail, and detainees have the right to representation by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand the prisoner 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 only by an additional three months. 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 January 18, eight state security officers entered Walid Romdhani's home and arrested him in the presence of his family. Six of the officers searched the family home and confiscated documents, compact discs, and a computer. His family reported that the officers had no warrant for the arrest. Romdhani's arrest was believed to be linked to his efforts to expose the torture and prison conditions of his brother, Ramzi Romdhani (see section 1.c.). Walid Romdhani was held incommunicado until his release on January 20.

On June 9, human rights lawyers reported officers of the National Guard in Chebba, in the governorate of Mahdia, arrested Jamel Ben Mohammed Ben Hassine without a warrant on allegations of involvement in illegal immigration activities. He was detained for three days, and authorities failed to inform his family of his whereabouts. Following his release Ben Hassine alleged he had been tortured, had not been brought before a judge, and no official charges against him had been filed.

On September 15, police arrested student activist Khaled Gafsaoui at his home without a warrant and detained him for eight hours, during which they reportedly physically assaulted and verbally abused him. Following his release Gafsaoui reported that authorities had interrogated him about his activities with the independent General Union of Tunisian Students (UGET) and about his signature on a petition criticizing a campaign calling for President Ben Ali to present his candidacy in the 2014 presidential elections.

On January 1, the student leader of the UGET, Mohamed Soudani, was conditionally released from prison. Authorities arrested Soudani in October 2009 after he met with two French journalists covering the 2009 national and legislative elections. A court sentenced him to four months in prison for drunkenness and disorderly and immoral conduct.

On May 26, the Court of First Instance in Tunis sentenced 11 men arrested in 2009 to prison terms ranging from four to 12 years on charges of funding an unnamed terrorist cell and recruiting new members. The total number remaining in pretrial detention was unknown at year's end.

There were no developments in the 2008 arrest of Zied Fakraoui. Police failed to notify Zied's family of his whereabouts until local government officials told Fakraoui's lawyers he had been brought before an investigating magistrate without the presence of counsel. At year's end, Fakraoui was still believed to be in custody.

According to international and domestic human rights organizations, police continued to arrest individuals suspected of membership in an armed cell that was reportedly plotting terrorist attacks. Families made inquiries about the individuals, but authorities provided no information. Local and international groups expressed concern that authorities held arrested persons in incommunicado detention at the Interior Ministry's State Security Department, where they would be at risk of torture and other mistreatment.

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 cases involving political dissidents and oppositionists. The executive branch exercised indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. Defendants may request a different judge if they believe the one assigned is not impartial; however, judges are not required to recuse themselves. The president headed the Supreme Council of Judges, composed primarily of presidential appointees. There were reports of lack of judicial independence and impartiality.

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. A defendant may appeal a military tribunal's verdict to the civilian Supreme Court. Some civilians accused of national security crimes were sentenced in military tribunals.

Trial Procedures.—The law provides all citizens the right to a fair trial; however, according to international and domestic NGOs, this often did not occur in practice.

The law provides that defendants are presumed innocent until proven guilty; however, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Trials in the regular courts of first instance and in the courts of appeal are open to the public. Trials before military tribunals are not open to the public. 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. There are no jury trials. By law, accused persons have the right to be present at trial, be represented by counsel (provided at public expense for the indigent), question witnesses against them, and present witnesses or evidence on their behalf; however, judges did not always observe these rights in practice. The law permits a trial in the absence of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts.

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 judges sometimes refused to let them call witnesses on their clients' behalf, to question key government witnesses, or to have adequate notice of trial dates to allow time to prepare their cases. Defense lawyers also reported judges restricted access to court records and evidence, especially to government-held records and evidence, 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 courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted through torture. These groups also reported the summary nature of court

sessions sometimes prevented reasoned deliberation and erratic court schedules and procedures deterred would-be observers from attending politically motivated trials.

Although family and inheritance law is codified, civil law judges were known to apply Sharia (Islamic law) in family cases if the two systems conflicted (see section 6).

The number of political prisoners remained unknown. Human rights organizations alleged that the Government had arrested and imprisoned more than 2,000 persons under the terrorism law since 2005 without sufficient evidence they had committed or planned to commit terrorist acts. Human rights activists and lawyers alleged that many of these detainees were tortured in Interior Ministry facilities and forced to sign confessions under duress. In May 2009 then minister of justice and human rights Bechir Tekkari reportedly said the Government had sentenced only 300 individuals under the antiterrorism law.

In 2008 the Government conditionally released the An-Nahdha leaders remaining in prison; however, shortly thereafter the Government rearrested former An-Nahda president Sadok Chorou after he gave an interview to the London-based satellite television station Al-Hiwar and sentenced him to one year in prison for membership in an unauthorized organization. In August 2009, according to local NGO Freedom and Equity, Chorou's wife visited him in prison. She subsequently alleged that prison officials had restricted Chorou to a diet of bread and olive oil for the previous 40 days and condoned inmates harassing him. At year's end Chorou was free but reportedly under constant police surveillance.

Family members of political prisoners claimed that authorities treated prisoners poorly, limited visitation rights, insulted their religious beliefs, and arbitrarily subjected them to solitary confinement. Former political prisoners stated that upon their release, officials failed to return their identification cards, marked their identification cards in a specific way, or denied them certificates attesting that they had served their sentences and were permitted to work. They also reported that both uniformed and plainclothes police closely monitored them.

The ICRC had access to political prisoners in Justice Ministry-controlled prisons and detention facilities but generally not to those in Interior Ministry facilities. The Government did not permit any other international humanitarian organizations access to such prisoners.

Civil Judicial Procedures and Remedies.—Although a court system existed through which citizens could make human rights complaints, 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 or the Administrative Court. These institutions' decisions were not binding, and other government departments and agencies often ignored them.

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 cited state security considerations. Domestic NGOs and civil society activists reported that members of the security forces entered their offices and homes when they were not present and searched without a warrant (see section 1.d.).

Authorities may invoke state security considerations 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 state prosecutors, investigating magistrates, and Justice Ministry officials regularly claimed 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 their recipients. Security forces routinely monitored the activities, telephones, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and placed some individuals under surveillance.

Throughout the year plainclothes police maintained a limited but visible presence around the home of married activists Hama Hammami and Radia Nasraoui. On February 12, following the release from prison of journalist Zouheir Makhoul, a colleague and client of Nasraoui, plainclothes police surrounded Nasraoui's office in

downtown Tunis and denied her all access to her clients for two days. Security forces assaulted the couple in June and September 2009.

On September 15, according to the domestic NGO Freedom and Equity, approximately 25 uniformed and plainclothes policemen forcibly entered the farm of human rights activist and lawyer Mohamed Nouri. The officers allegedly destroyed the doors on the barn and stole 1,400 frozen partridges. Human rights activists believed the forcible entry was a government reprisal against Nouri for publishing a statement against the campaign calling for President Ben Ali to present his candidacy in the 2014 elections. Nouri filed a complaint with the public prosecutor following the unlawful entry.

Human rights activists claimed 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 kept under surveillance, detained, and questioned relatives of individuals affiliated with Islamist activists (see section 1.c.).

Human rights activists reported that the Government made it difficult for suspected An-Nahda members who had been released from prison to find employment. Other released political prisoners, who had been detained but not convicted, found it hard to obtain Interior Ministry statements that they had no criminal records. Even when political activists and Islamists had not been imprisoned, security forces confiscated their identification cards, which negatively affected their ability to receive health care, sign a lease, buy or drive a car, and access 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. Authorities took AISPP member Lasaad Johri's identification card in 1999, and he remained without identification at year's end.

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 media freedom and severely intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored both foreign and domestic media 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 a fine of up to 25,000 dinar (\$20,833) per offense. Security forces often questioned citizens seen talking with foreign visitors or residents, particularly with visiting international human rights monitors and journalists. The Government also attempted to prevent private meetings of citizens with foreign diplomats and to influence public meetings by surrounding meeting places with scores of plainclothes police.

On June 15, parliament amended article 61 of the penal code, which criminalizes any acts intended to damage the country's military and diplomatic interests and any contact "with foreign parties that incite prejudice against vital economic interests," with penalties of five to 12 years' imprisonment. The amendment defines "vital interests" as anything linked to the country's economic security, which would include deterring foreigners from investing in the country, influencing national loan acquisitions, affecting trade negotiations, incitement to boycott tourism, and obstructing the country's efforts to gain preferential cooperative arrangements with a foreign state.

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 Ministry of Interior, which issues a receipt that constitutes an official permit to publish 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 ministry of any change of printer. Printers and publishers who violate these rules are subject to substantial, per copy, personal fines under the press code.

The National Council for Liberties (CNLT) that operated the independent Internet radio station, Radio Kalima, also produced the online newsmagazine Kalima without a license, and accessible only from outside the country. In 2008 the CNLT made its fifth attempt to register Kalima, but government officials refused to acknowledge they had received their application. International human rights NGOs alleged that the Government refused to register Kalima due to its criticism of the Government. Also in 2008, according to Kalima staff, the Kalima Web site was hacked and its archives destroyed.

The Government stated that 90 percent of domestic newspapers were “privately owned and editorially independent.” However, two of the eight mainstream dailies were government owned; the ruling party owned two, and two others, although nominally private, reportedly took editorial direction from senior government officials. All media were subject to significant governmental pressure regarding subject matter. There were seven opposition party newspapers with small circulations. Five received government subsidies under a law that provides government financing to papers representing opposition parties that have seats in parliament.

Broadcast media must receive a grant of a frequency from the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. Grants to these licenses are tightly restricted.

In mid-August the Ministry of Communications Technologies granted a license for the creation of a new radio station, Shams FM, to the president’s daughter, Cyrine Ben Ali Mabrouk. The station was scheduled to begin broadcasting in September.

There were no developments in the January 2009 case of Radio Kalima, an independent Internet radio station that was critical of the Government. At year’s end the Government continued to block access to the Radio Kalima office.

There were no developments in the October 2009 Radio 6 shutdown; at year’s end the station remained sealed, with all equipment in government custody.

Government regulations required foreign correspondents to obtain written approval before recording video in public. The Government controlled the satellite transmissions of local correspondents reporting for foreign television stations by refusing to license correspondents and insisting that all correspondents use government-owned facilities for satellite connection.

In May 2009 pro-government journalists initiated an open campaign against the executive board of the National Syndicate of Tunisian Journalists (SNJT) following the union’s announcement of its second annual press freedom report. Progovernment members of the board resigned and began circulating a petition to the union membership calling for an extraordinary congress to conduct new elections. Some journalists were reportedly threatened with dismissal if they did not sign. After holding the congress in August 2009, the progovernment faction sued for control of the SNJT. In September 2009 plainclothes police surrounded the SNJT offices, and approximately 20 police officers beat SNJT president Neji B’ghouri as he attempted to access the offices. On the same day, a Tunis court ruled in favor of the progovernment faction. Police enforced the court order immediately and evicted the independent SNJT board from the offices. In August 2009 B’ghouri’s independent group filed a legal challenge to the progovernment takeover. At year’s end the case remained pending.

There were widespread reports during the year that the Government blocked most criticism of authorities in the mainstream press and that it harassed, arrested, and abused journalists, especially those active in opposition activities. The Government cited the need to preserve public order as grounds to suppress criticism and used defamation laws to prosecute journalists. Journalists most often faced charges of unrelated offenses (such as counterfeiting), frequently by private parties. The law authorizes prison sentences as long as five years for offensive written or spoken statements against the president and as long as three years for defamation of constitutional bodies including the Chamber of Deputies, Chamber of Advisors, constitutional councils, the administration, government members, or deputies.

On April 27, authorities released independent journalist Taoufik Ben Brik after a six-month sentence. Civil society, independent journalists, and Ben Brik’s lawyer described his October 2009 arrest on charges of public indecency, assault, defamation, destruction of private property, and blasphemy as a government attempt to silence legitimate and free journalism. The incident occurred after Ben Brik published opinion articles critical of the Government in French press sources in September 2009.

On July 6, the Gafsa Court of Appeal affirmed the four-year sentence against independent journalist Fahem Boukadous, originally sentenced in 2008 on charges of “belonging to a criminal association” and spreading materials “likely to harm public order.” Boukadous was taken into custody on July 15, one day after his discharge from a hospital at which he received treatment for respiratory ailments. The charges against Boukadous stemmed from his 2008 coverage of a series of unemployment protests that ended bloodshed in the impoverished Gafsa region. Boukadous was sentenced in his absence to six years in prison, but his conviction was vacated when he emerged from hiding, hoping to benefit from the conditional pardon granted by President Ben Ali in November 2009 that allowed for the release of the remaining prisoners arrested following the 2008 Gafsa protests. However, his case was reopened and Boukadous was convicted and sentenced to four years in prison on January 10.

The law prohibits censorship of domestic newspapers, magazines, and books; however, the Government continued to censor international as well as domestic media. For example, the Government reportedly banned distribution of the July 29 issue of the *The Economist* and blocked its Web site for an article criticizing the country's human rights record and the lack of rule of law and political pluralism.

The Government routinely seized and prevented distribution of domestic newspapers when it found articles or photographs contrary to government policies. For example, authorities reportedly suppressed and confiscated the March and July issues of the opposition weekly *Al-Mowqif*, which carried an article on a HRW report on abuses in the country, a call for President Ben Ali to respect the constitutional bar against presenting his candidacy in the 2014 elections, and a poem in solidarity with imprisoned journalist Fahem Boukadous, authored by Taoufik Ben Brik.

According to journalists and other 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 the newspapers' journalists were present. The Tunisian Agency for External Communications enforced these informal censorship mechanisms by favoring certain publications for placement of government advertising. Private companies that wanted to avoid association with publications the Government viewed unfavorably withdrew their advertisements from those publications.

Directors and owners of existing private media, as well as journalists working for government- and ruling-party-owned media, practiced a high degree of self-censorship. Journalists in the mainstream media regularly refrained from investigative reporting on national issues. Only the small opposition media reported regularly on controversial national issues, and it was subject to regular and frequent government harassment.

The law stipulates that the Government may restrict the publication, introduction, and circulation of foreign works. The Ministry of Culture required book fair publishing representatives to deposit publication titles in advance; it reportedly rejected 15 publishing houses from participating in the country's international book fair, which opened on April 23, because the publishing houses allegedly presented books that contradicted the values of modernity, enlightenment, and innovation. Authorities also restricted the importation or sale of foreign publications that included articles deemed critical of the country or that the Government determined could prompt a security threat.

Internet Freedom.—Widespread use and interest in the Internet remained the driving force behind the country's rapidly and continuously developing telecommunications infrastructure. According to this year's International Telecommunication Union statistics, approximately 34 percent of the country's inhabitants used the Internet. The Government monitored and restricted Internet usage and communications. In 2009 Reporters without Borders (RSF) named the country an "Internet Enemy" due to its harsh filtering and surveillance of the Internet.

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." During the year the Government also blocked access to a wide variety of Internet sites that did not fit this definition. The quasi-governmental Tunisian Internet Agency controlled and censored Internet-based information. The Government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups, including discussion sites. The Government also periodically blocked opposition news sites and Internet discussion sites throughout the year. Some foreign Web sites remained blocked at year's end, including RSF's site and YouTube. According to OpenNet Initiative, whose Web site was also blocked in the country, the Government used a commercial software filtering program in government-controlled servers to consistently block sites on the servers of the country's 11 Internet service providers (ISPs).

On July 18, the Arabic Network for Human Rights Information reported that the Government blocked the Web site-based chat room Fadaa Jadal Democracy (A Space for Democratic Debate), although the site had not been officially launched and was in its testing phase.

In addition to filtering software, the Government reportedly used regulatory means and surveillance to monitor and control Internet usage, and it prosecuted and punished individuals for expressing their views via the Internet. The law requires all ISPs to submit a monthly list of their subscribers to the Tunisian Internet Agency. Human rights attorneys and local human rights monitors reported that authorities sometimes arrested 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.

During the year human rights activist and independent journalist Zouheir Makhoul reported that he continued to be subject to harassment and abuse by government forces (see section 1.c.). On February 12, authorities conditionally released Makhoul from prison after he had served almost four months on charges of “harming others on the Internet” for having posted footage documenting environmental damage and dangerous working conditions in an industrial district of the town of Nabeul. The Government also targeted Makhoul for contributing to an independent news Web site with antigovernment material and for posting material critical of the Government on Facebook and YouTube.

On June 23, according to domestic NGO Freedom and Equity, plainclothes police arrested Heithem Mahjoubi and took him to an unknown police location, allegedly for posting on Facebook that he was facing extreme pressure and harassment from authorities in the governorate of Sfax for his decision to rent office space to the PDP. Mahjoubi also stated on Facebook that authorities had harassed his father and brother and threatened to close his brother’s car wash business. He was released on the same day as his arrest. At year’s end Mahjoubi had cancelled his lease agreement with the PDP.

In December 2009 the Tunis Court of Appeals gave university professor Khedija Arfaoui an eight-month suspended sentence for posting a message on her Facebook page about rumored child kidnappings in the country. The message Arfaoui posted related to rumors that had already circulated within the country and had been discussed in local media.

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 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 the Ministry of Culture’s approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines the ministry deemed critical of the Government. Close government control over academic research funds prevented university administrators from authorizing or applying for grants on research topics 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 and were required to submit conference topics and invitee lists.

In July 2009 the Government adopted a law requiring all foreign theatrical and artistic productions not sponsored by the Government to obtain Ministry of Culture clearance prior to public performance or release.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, but the Government severely restricted this right in practice.

Freedom of Assembly.—The law requires groups wishing to hold a public meeting, rally, or march to obtain a permit from the Ministry of Interior at least three days prior to 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 not to rent to certain groups. Hotel managers and businesses denied any specific ban on renting space to opposition groups; however, they acknowledged cooperating with the ministry and accommodating its requests when possible. The Government blocked meetings of the Tunisian Human Rights League (LTDH) at the organization’s Tunis headquarters and at its regional offices (see section 5).

On March 24, the Government prevented HRW from holding a public press conference to announce the release of a report documenting the Government’s treatment of former political prisoners. Several hotels in the country had previously offered venues for HRW to hold its press conference but subsequently withdrew their offers. A hotel suite that HRW staff had reserved to hold the conference on March 23 was flooded three hours prior to the press conference. HRW held the conference at the office of a civil society activist. Police allowed only one foreign diplomat and three other individuals to attend.

In early May independent Web log writer Zied El-Heni and head of the "Arab Free Radio Group" Salah Forti announced plans for a peaceful demonstration in front of the Ministry of Communications Technologies on May 3. On May 2, police officers surrounded El-Heni's home and maintained surveillance until May 3. On May 3, El-Heni reported that police followed him as he accompanied his children to school. The planned demonstration was not held.

On July 26, several hours prior to a PDP public conference on the origins of the country's democratic movement, a large number of plainclothes police blocked all streets and access points to the PDP's headquarters in downtown Tunis. Police turned away members of civil society, journalists, and other invitees, as well as scheduled conference speakers, including independent journalist Lotfi Hajji and Tunisian historian Ali Marzouki.

The Government used police and other state security forces to monitor, control, and sometimes disperse demonstrations. In general demonstrators and security forces did not resort to violence; however, there were some exceptions, such as scuffles ensuing from protesters' attempts to cross police lines barring access to a demonstration site or protesters refusing to disperse when police ordered them to do so.

On December 18, protests erupted in the city of Sidi Bouzid expressing solidarity with Mohammed Bouazizi, a young university graduate who set himself on fire on December 17 to protest the Government's refusal to allow him to sell vegetables without a license. Security forces initially responded to the protests by using tear gas and arrested approximately 80 persons. The protests spread to neighboring cities. On December 24, in the city of Menzel Bouzaiane, security forces used live ammunition on the protesters. One protester, Mohamed Ammari, was killed by a bullet in the chest, and 10 protesters were reportedly wounded. The Government press stated that security forces acted to protect themselves after protesters attacked the National Guard office, a train, and several shops. The Government press also reported that two National Guardsmen were in comas after sustaining injuries during the protest.

In protest against the shooting of Mohamed Ammari, further skirmishes erupted between security forces and protesters on December 25 in the towns of Al-Ragab and Maknassi in central Tunisia. Several protesters were reportedly injured, and security forces arrested many others. Hundreds of protesters also rallied in front of the Tunisian General Labor Union (UGTT) headquarters in Tunis on December 26, calling for more equitable employment opportunities and a cessation of the security siege of the city of Sidi Bouzid.

There were no further developments in the legal cases stemming from the unrest in the aftermath of the 2008 Gafsa protests; however, human rights lawyers reported that on April 3, a Gafsa court sentenced Adel Amaidia, Amine Khaldia, Aymen Amaied, and Fethi Amaied, all of whom had been arrested on March 12, to up to six months in prison for protesting the new recruitment process adopted by the Gafsa phosphate company in the aftermath of the protests. In 2008 authorities arrested dozens of demonstrators, fatally shot one demonstrator, and wounded 18 others. There were no developments in the investigation into the fatal shooting. The Government maintained that the protests were violent while domestic NGOs claimed they were peaceful.

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 the Government could close these NGOs, seize their property, and prosecute their members for "membership in an illegal organization." Authorities arrested and prosecuted several individuals on this charge after they participated in the 2008 Gafsa protests.

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. For example, on September 8, a progovernment faction took over leadership of the journalists' union.

Despite the introduction, at the Government's recommendation, of three prominent civil society figures to serve as neutral mediators to resolve the LTDH's leadership crisis, at year's end the LTDH had failed to regularize relations with the Government or hold a sixth congress. In June 2009 the Court of Cassation affirmed a 2001 ruling annulling all decisions and organs resulting from the LTDH's fifth congress, including its newly elected steering committee, and tasked the LTDH with

holding a new congress. According to LTDH leadership, the only way for the LTDH to continue its human rights work was to ensure that progovernment members were elected to the NGO's steering committee.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, the Government did not always respect these rights in practice. The Government restricted the in-country and foreign travel of some dissidents, Islamists, and their relatives. The law allows the Government to impose five years of “administrative control” at sentencing on certain former prisoners that constitutes a type of internal exile, limiting their ability to travel within and outside of the country.

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, the Government did not provide protection for such persons, nor did it permit the UNHCR access to detention centers. In the absence of specific legislation on refugee matters, refugees were treated like foreigners, and there was no official government restriction on their movement.

The law authorizes the courts to cancel passports and contains broad provisions that permit courts and the Ministry of Interior to seize passports on national security grounds and deny citizens the right to present their cases against seizure or to appeal the judges' decision. The ministry is required to submit to the courts, through the public prosecutor, requests to seize or withhold a citizen's passport; however, it 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.

The Government reportedly continued to ignore passport requests by Mohamed Nejib Krifi, a former political prisoner. Krifi, deprived of his passport since 1998, has sent seven requests to both the ministries of justice and interior since 2003, with no response.

On April 3, police informed Al-Mowqif journalist Mohamed Hamrouni, who applied for a passport in May 2009, that the Ministry of Interior had rejected his application. Hamrouni alleged the rejection was due to his work as an opposition journalist.

Journalist and former prisoner Slim Boukdhir remained without a passport at year's end. Boukdhir, who filed his original application in 2003, was arrested in 2007 and spent nine months in prison on charges of insulting a public official, public indecency, and refusal to present his identity card to a security official.

Former An-Nahdha leader Mohamed Sedki Labidi has been deprived of his passport for the last 14 years without a court decision.

According to the constitution, no citizen can be exiled from the country nor prevented from returning; however, the Government used administrative control 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 these individuals to stay “in the area of their residence,” which the Government determines and may be anywhere in the country. They also may be required to report to a police station frequently, 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 requirements.

By law administrative control measures may only be imposed at sentencing; however, a former high school teacher and An-Nahdha member, Nouri Chniti, claimed he has been subject to extrajudicial administrative control measures since 1991, when he received a suspended sentence that did not include such measures.

The Government prevented some political opponents in self-imposed exile abroad from obtaining or renewing their passports to return to the country.

The country's laws provide for the granting of asylum or refugee status, but the Government has not established a system for providing protection to refugees or other persons of concern. In practice the Government did not protect against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In the absence of official and specific refugee laws and administrative measures to govern refugee and asylum matters, the UNHCR conducted all refugee status-determination procedures. The UNHCR maintained a liaison with the Ministry of Foreign Affairs, in particular the consular service, in connection with all refugee determinations. Refugees requested residence permits from the Ministry of Foreign Affairs upon their proper determination as refugees by the UNHCR. Issuance and renewal of a residence permit was subject to the approval of the Government and was not automatic. In several cases the Government arbitrarily denied residence permits to certain refugees despite their classification as refugees by the UNHCR. Although the UNHCR under its mandate sought resettlement for refugees under specific protection needs, the Government did not approve any resettlement requests, and at year's end there were numerous cases pending of persons seeking naturalization.

Refugees were subject to the foreign labor policies within the national labor code prior to qualifying for work permits. A large majority of refugees worked in the informal sector with risk of exploitation.

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; however, there were significant limitations on citizens' right to do so. 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 president appoints the prime minister, the cabinet, and the 24 governors. 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 October 2009 national elections, President Ben Ali, who became president in 1987, faced three candidates and was reelected for a fifth five-year term. The Government reported electoral participation was at 89 percent of the 4.9 million eligible voters. Anecdotal observation suggested that the Government inflated this figure. The Government rejected 15 of the 26 legislative candidate slates the PDP proposed and 12 of the 26 proposed by the Ettajdid Movement. In some cases the Government rejected candidate slates without explanation. By contrast five "opposition" parties viewed as friendly to the Government had no more than five of their 26 candidate slates rejected.

Irregularities and imbalances characterized the period prior to the elections. 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.

Political parties other than the ruling RCD faced restrictions. By law the establishment of political parties based on religion, language, race, or gender is prohibited. The law also requires any presidential candidate to be an elected head of a political party and to have held that position for at least two years. At least two opposition parties did not have candidates who met those criteria.

The Government and the RCD are closely integrated; current and former senior government officials constitute the top ranks of the party. The president of the country is also the president of the RCD, and the party's vice president and secretary general 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 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 for the seven officially recognized opposition parties and distributes them on a proportional basis to parties that won at least one directly elected district seat. In the October 2009 elections, five of the opposition parties gained seats under that provision. The RCD holds the remaining 161 seats.

The Government continued to refuse to recognize an environmental political party, the Green Tunisia Party; it first applied for recognition in 2004.

There was one member of the Jewish community in the legislature. There was no set allocation of political party positions or parliamentary seats for members of a minority group.

Section 4. Official Corruption and Government 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. Public officials are not subject to financial disclosure laws. The Higher Institute of Security Forces and Customs is tasked with reinforcing human rights, improving law enforcement, and reducing corruption. There were no public reports of the organization's activities during the year.

On July 7, according to Kalima, government authorities interrogated more than 20 judges on bribery and corruption allegations leveled by the Ministry of Justice. At year's end there was no reported outcome from these alleged interrogations.

There is no law that requires public access to government documents upon request. The Government did not grant access to government documents, including to foreign media.

Section 5. 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 NGOs, who had difficulty investigating and publishing their findings, and the Government sought to monitor and control the activities of some foreign NGOs within the country.

There were approximately 12 domestic human rights NGOs, although only six 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 associated with registered and nonregistered NGOs.

The LTDH traditionally was one of the most active independent advocacy organizations, with 41 branches throughout the country, although the Government's blockage of LTDH activities limited the organization's operational effectiveness (see section 2.b.). The organization received and investigated complaints and protested abuses, yet 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 the funding of NGOs without government approval.

On February 8, unknown persons reportedly burglarized the organization's headquarters, despite the permanent assignment of plainclothes police to guard the building. According to the LTDH, the burglars stole specific items, such as organization files and the main computer server, but left behind many financially valuable goods, including televisions, paintings, and furniture.

On May 22, the Government stationed plainclothes police on all access roads to the LTDH's headquarters, preventing guests from attending its 33rd anniversary celebration. Only LTDH steering committee members were allowed into the organization's headquarters, and all other guests, including foreign diplomats, were turned away.

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 formalized submission requirements by publishing communiques without prior government approval.

The Government sought to monitor and control the activities of some foreign NGOs within the country. The Government arbitrarily denied entry to some international NGO human rights observers and reportedly monitored the activities of those who were allowed into the country. For example, the Government refused to grant HRW permission to hold a press conference announcing the release of its report on former political prisoners (see section 2.b.).

Although the Government generally maintained good working relationships with UN agencies and other international bodies operating in the country, it monitored and controlled their activities.

The Government allowed Martin Scheinin, the UN special rapporteur on the promotion and protection of human rights while countering terrorism, to visit the country January 22-26, the first such visit since 1999. During the four-day visit, he met with various ministers and members of the diplomatic community and visited several detainees including Ramzi Romdhani (see section 1.c.). At year's end a report of his findings had not been publicly released.

There were credible reports police prevented some family members of prisoners from visiting ICRC offices and that they monitored and occasionally harassed others.

The Ministry of Justice has the lead on government policy regarding human rights, although other ministries also had human rights offices. The ministry did not

release any public reports of cases or investigations. The Committee for Human Rights and Civil Liberties, a government-appointed and -funded body, received, addressed, and occasionally resolved human rights complaints about prison conditions, amnesty requests by families of prisoners, and other matters. The committee published two reports annually: one confidential, submitted directly to the president and not available to the public, and a second for public distribution. The public report detailed the committee's efforts in facilitating prison visits for families and improvements in some detention conditions.

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

The constitution provides that all citizens are equal before the law, and the Government generally respected this provision in practice; however, inheritance and family law, as well as biased gender-based provisions in the civil code, adversely affected women. Generally, the Government did not classify or interact with any group as a racial, ethnic, religious, or indigenous minority.

Women.—The penal code specifically prohibits rape, including spousal rape, and the Government enforced the laws vigorously, giving significant press coverage to rape cases. 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. Cultural factors likely contributed to under-reporting of rape, including spousal rape. No statistics regarding the pervasiveness of rape were available.

Laws against domestic violence provide penalties for assault 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 Government-sponsored National Union of Tunisian Women (UNFT), which operated a center to assist women and children in difficulty and sponsored national educational campaigns for women, the women's shelter in Tunis received new cases of domestic violence during the year, 218 of which involved physical violence. In addition the shelter had more than 500 ongoing cases from earlier years.

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. Victims of sexual harassment are required to file a complaint in criminal court where the allegations are then legally investigated. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (\$2,307) fine.

There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Women had free access to contraception. In collaboration with NGOs, the Government maintained its national policy of keeping the national birth rate low through public awareness campaigns. The Government also provided essential healthcare for women, including skilled attendance during childbirth and treatment for sexually transmitted infections, including HIV. Several registered domestic NGOs also care for HIV-infected individuals. In 2008 the UN Population Fund estimated the maternal mortality ratio to be 60 per 100,000 live births.

Women faced discrimination under the law. Codified civil law is based on the Napoleonic code, although judges often used Sharia 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 they sign marriage contracts. Customary law based on Sharia prohibits women from marrying outside their religion. Application of Sharia inheritance law continued to discriminate against women, although some families avoided the application of Sharia by executing sales contracts between parents and children to ensure that daughters received shares of property equal to those of sons. There was a double standard in Sharia inheritance law 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. On November 23, the Government amended the national citizenship code granting women married to noncitizens the right to transmit their citizenship to their children without official consent from the noncitizen fathers.

The law explicitly requires equal pay for equal work; however, it also allows some female employees in the public sector to engage in part-time work and receive two-thirds of their original full-time salary. The Government defended the law as allow-

ing women to balance family and professional life, but some women's rights advocates, including the ATFD, believed treating women and men differently under the law was a major setback to women's rights.

The Government continued to support and fund the UNFT, women's professional associations, and the Center for Research, Documentation, and Information on Women.

Children.—Citizenship may be derived from a Tunisian father, a Tunisian mother and an unknown father, a Tunisian mother and a father who has no nationality, or birth in Tunisia to a Tunisian mother and a foreign father.

The Government provided free education up to the university level, with mandatory attendance for children up to the age of 16 years old.

Convictions for abandoning or assaulting minors carry severe penalties; however, there were no reported specific incidents of child abuse during the year. On July 26, the Government amended the penal code to criminalize corporal punishment of minors by their parents. Law No. 2010-40 amended article 319 of the penal code, making it a criminal offense to assault a child even slightly. Public media generally did not report on violence and abuse of children. Government social workers provided direct assistance to abused women and children in two shelters operated by the UNFT. The Ministry of Women's Affairs, Family, Children, and Elderly Persons employed a child protection delegate in each of the country's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children.

There were no public reports of cases of children involved in prostitution for survival without third-party involvement. The law mandates a three- to five-year prison sentence for any party who forces a minor into prostitution and a three-year prison sentence for incitement of a minor to vice. The law sets the minimum age for consensual sex at 20 years old for both sexes. Consent must be given without material remuneration or it is considered "clandestine prostitution." Parties under the age of 13 are not considered to have the legal capacity to consent. Sex with a party between 13 and 15 years old is punishable by six years in prison. If the party is older than 15 but less than 20, it is punishable by five years in prison. The law prohibits and punishes with up to six years in prison and a monetary fine anyone who incites a minor to vice. Child pornography is covered under this law. The law also provides that marriage of the perpetrator and the victim suspends all criminal proceedings against the perpetrator. The perpetrator may still be criminally liable in the event of a divorce and an official request is made to the authorities to pursue criminal proceedings no later than two years following the divorce.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For more information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308>.

Anti-Semitism.—The Government cooperated closely with and protected the 1,600-person Jewish population. Jews faced some defamation in the media, particularly in reaction to the Gaza flotilla incident in March.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities and mandates that at least 1 percent of public and private sector jobs be reserved for persons who have disabilities; however, NGOs 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, and the provision of other state services. The Government increased vocational training programs in handicrafts geared toward persons who have disabilities, with the goal of future employment. As of 1991 all new public buildings must be accessible to persons who have physical disabilities, and this was enforced, but persons with disabilities did not have access to most buildings built before 1991. The Government issued 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. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad was charged with protecting the rights of persons with disabilities.

There continued to be some social stigma associated with mental disabilities; however, several active NGOs provided educational, vocational, and recreational assistance to children and young adults with such disabilities, and the Government and international organizations funded several programs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexuality is illegal and the penal code (article 230) criminalizes homosexuality with sentences up to three years in prison. There was anecdotal evidence that gays faced discrimination, including allegations that police officers sometimes brutalized openly gay persons and accused them of being the source of AIDS. There were no reports of persons arrested for homosexual activity.

Other Societal Violence or Discrimination.—There was anecdotal evidence that persons with HIV/AIDS faced some forms of discrimination, including in the quality of, and access to, medical care.

Section 7. 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 and claimed approximately 14 percent of the workforce as members, including civil servants and employees of state-owned enterprises. Union contracts covered a considerably larger proportion of the workforce than union membership.

The UGTT and its member unions were legally independent of the Government and the ruling party and had the right to decide union leadership; however, they operated under regulations that limited their freedom of action, and union leaders who worked in government-owned companies were often harassed, threatened, and punished. 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.

On July 16, according to the UGTT, authorities prevented two members of the French labor union Force Ouvrière from entering the country for a planned labor conference in the city of Bizerte.

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it grants approval. The decision to approve or deny is on a case-by-case basis. The International Trade Union Conference characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but unions rarely sought advance approval in practice. The law prohibited retribution against strikers, and the Government generally respected this provision. Conciliation panels, in which labor and management were represented equally, settle labor disputes. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails. Members from the Ministry of Social Affairs, UGTT, and Tunisian Association for Industry, Commerce, and Handicraft composed the commissions.

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. The Government reported that in 2009 collective bargaining agreements covered more than 45 percent, or 1.5 million, of the 3.3 million-person workforce. UGTT member unions, the Government, and employers set wages and working conditions in triennial negotiations, while the Government and employers represent the interests of workers not affiliated with the UGTT. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the private sector.

The law prohibits antiunion discrimination by employers, although the UGTT claimed that there was antiunion activity among private-sector employers, such as firing union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a strong majority of the workforce. 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, UGTT, and company dismissing the worker. Legally workers have the right to reinstatement, but in practice this was not enforced.

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 and compulsory labor with penalties of up to 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor. Some girls were subjected to domestic servitude within the country, although the Government did not report that such practices occurred (see section 7.d.). A 2008 survey of 130 domestic workers in the greater Tunis region, conducted by a professor at the University of Tunis, found some indicators of possible forced labor: 52 percent of the workers were younger

than 16 years old, 23 percent claimed to be victims of physical violence, 11 percent claimed to be victims of sexual violence, the majority received salaries below the minimum wage, and 99 percent indicated they had no work contracts. (For more information, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law generally prohibits the employment of children younger than 16 years old, the age for completing educational requirements, and inspectors from the Ministry of Social Affairs examined the records of employees to verify that employers complied with the minimum-age law. There were no reports of sanctions, including convictions or fines, against offending employers. The law prohibits the employment of children younger than 18 years old 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 minimum age for light work in the nonindustrial and agricultural sectors during nonschool hours was 13 years old. 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 may work no more than two hours per day. The total time that children spend at 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 the summer school vacation. Child labor also existed in the informal sector as apprenticeship, particularly in the handicraft industry. Older girls worked as domestic servants. A 2008 survey of 130 Tunis area workers found that 52 percent were younger than 16 years old. The penal code prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor and up to two years' imprisonment for forced child begging.

The Department of Labor's 2009 findings on the Worst Forms of Child Labor reported children working in domestic service, in the agricultural sector, and as mechanics in small shops or street vendors of flowers, cigarettes, and other small items. (For more information, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip).

e. Acceptable Conditions of Work.—The labor code provides for a range of administratively determined minimum wages. On July 10, the Government raised the industrial minimum wage to 274 dinars (approximately \$188) per month for a 48-hour workweek and to 225 dinars (\$173) per month for a 40-hour workweek. The agricultural daily minimum wage was eight 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 enough to cover only essential costs. Regional labor inspectors enforced standards related to hourly wage regulations. The country's cadre of 380 inspectors inspected most firms approximately once every two years. The Government often had difficulty enforcing the minimum wage law, particularly in nonunionized sectors of the economy. More than 500,000 workers were employed in the informal sector, which labor laws did not cover.

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. Although there is no standard practice for reporting labor code violations, workers have the right to report violations to regional labor inspectors.

Special government regulations control employment in hazardous occupations such as mining, petroleum engineering, and construction. The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. Working conditions and standards generally were better in export-oriented firms, which were mostly foreign owned, 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. There were no reported cases of employees taking such action against their employers.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven semiautonomous emirates with a resident population of approximately six million, of whom approximately 20 percent (one million) are citizens. The rulers of the seven emirates constitute the Federal Supreme Council, the country's 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. In November 2009 the council reselected Sheikh Khalifa to a second term as president. 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 can express their concerns directly to their leaders through traditional, consultative mechanisms such as the open “majlis” (forum). The Federal National Council (FNC), a consultative body, consists of 40 representatives, 20 elected by an appointed electorate in 2006. Security forces reported to civilian authorities.

Citizens did not have the right to change their government. There were unverified 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 independence. The Government interfered with privacy and restricted civil liberties, including freedoms of speech, press (including the Internet), assembly, association, and religion. There were limited reports of corruption, and the Government lacked transparency. Domestic abuse of women remained a problem, and there were allegations that police sometimes enabled domestic abuse. Legal and societal discrimination against women and noncitizens was pervasive. Trafficking in persons continued, the Government severely restricted the rights of foreign workers, and abuse of foreign domestic servants remained problematic.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were reports that government officials employed them, especially towards foreigners in detention. In January a court acquitted a member of the ruling family of Abu Dhabi, implicated by videotape for the 2004 torture of a foreign national, allegedly over a business dispute. Human rights groups decried the acquittal as a sign of the lack of judicial independence.

Sharia (Islamic law) courts occasionally imposed flogging 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 those flogged.

There were also reports of prison guard brutality during the year. On September 1, local media reported that 17 Indian nationals convicted of murder in March claimed in their appeal hearing that their confessions were obtained after a severe beating from police in Dubai. Their convictions were overturned on appeal in December.

Prison and Detention Center Conditions.—Prison conditions varied widely between emirates. 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 population in special state security facilities. Conditions in these special sections were not different from other parts of the prisons. Prisoners had access to visitors, but it was unclear if they were permitted religious observance. Prisoners have a right to submit complaints to judicial authorities; however, details about investigations into complaints were not publicly available.

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. Others did not have access to appropriate health care in detention.

On September 2, local media reported the suicide of an Emirati prisoner in a Dubai jail. The prisoner reportedly was mentally ill and held in solitary confinement, where he committed suicide.

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. The Government stated that it inspected and mon-

itored prison and detention center conditions. However, in 2008 when members of the NGO Emirates Human Rights Association (EHRA) visited female inmates at Dubai's al-Aweer Detention Facility, prison authorities denied the monitors access "to protect the prisoners' social and psychological rights." Charitable NGOs visited prisons during the year and were permitted to provide material support. They were unable to determine the welfare of the prisoners.

Ombudsmen cannot serve on behalf of prisoners and detainees.

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. The Ministry of Interior detained foreign residents arbitrarily at times. The law permits indefinite, routine, incommunicado detention without appeal. Under this procedure, the detainee may contact only an attorney but is not permitted to see friends and family.

Role of the Police and Security Apparatus.—The federal Ministry of Interior (Ministry of Interior) oversees police general directorates in all of the seven emirates; each emirate, under its corresponding police general directorate, maintains its own police force and supervises police stations. All emirate police forces are officially branches of the ministry; in practice they operated with considerable autonomy. The police forces are responsible for internal security, and the federal armed forces are responsible for external security.

Local police are semiautonomous, and the Ministry of Interior has broad authority to investigate abuses.

On August 25, courts in Dubai convicted two Emirati police officers of kidnapping, unlawful arrest, abuse of authority, and theft. The officers reportedly detained street vendors, locked them in police vehicles, and stole the vendors' money.

On August 26, a Dubai court heard testimony from a British woman who alleged an Emirati soldier raped her. The victim claimed she was beaten and raped twice, once in the soldier's car and once in her Dubai apartment. The case continued at year's end.

No information was available on the outcome of the 2009 case of a Sharjah police officer charged with kidnap and rape in Dubai.

Civilian authorities maintained effective control over the local police forces, and the Government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest Procedures and Treatment While in Detention.—The law prohibits arrest or search of citizens without probable cause; however, incidents occurred in practice. There were reports that security forces failed to obtain warrants in some cases.

Police stations received complaints from the public, made arrests, and forwarded cases to the public prosecutor. The public prosecutor then transferred cases 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 report an arrest within 48 hours 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 deadline. Public prosecutors may order detainees 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 renew 30-day extensions indefinitely. Public prosecutors may hold suspects in terrorism-related cases without charge for six months. Once a suspect is charged, the Supreme Court handles terrorism cases, which may extend the detention period indefinitely.

There is no formal system of bail; however, authorities temporarily can 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, may be denied release in accordance with the law. Some prisoners, detained on charges related to a person's death, were released after making a monetary payment to the victim's family, called a "diya" (or "blood money").

A defendant is entitled to an attorney after police have completed their investigation. Police sometimes questioned the accused for weeks without access to an attorney. Generally authorities granted family members prompt access to those arrested on charges unrelated to state security. The Government may provide counsel, at its discretion, to indigent defendants charged with felonies that are punishable by imprisonment of three to 15 years.

Amnesty.—On religious and national holidays, rulers of each emirate regularly pardon, and pay the debts of many prisoners. According to press reports, rulers pardoned at least 2,090 prisoners and paid their debts during the year. In October the

new ruler of Ras Al Khaimah pardoned 140 individuals in honor of his late father. The Government deported most of the pardoned foreign nationals.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice court decisions remained subject to review by the political leadership and suffered greatly from nepotism. There were reports that the federal intelligence service, the Directorate of State Security, intervened in judicial affairs. The judiciary was composed largely of contracted foreign nationals subject to potential deportation. There was no functional separation between the executive and judicial branches.

By tradition the local rulers' offices, or "diwans," maintained the practice of reviewing some criminal and civil offenses before they referred cases to prosecutors. They also reviewed sentences judges passed, returned cases to the court on appeal if they did not approve of the verdict, and approved the release of every prisoner who had completed a sentence. The diwans' involvement—usually in cases between two citizens 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, when a judge and diwan disagree, the diwan's decision prevails.

There is a dual court system. Sharia courts adjudicate criminal and family law matters based on each emirate's interpretation of Sharia. Civil courts adjudicate civil law matters and, except in the emirates of Dubai, Abu Dhabi, and Ras al-Khaimah, are accountable to the Federal Supreme Court, which has the power of judicial review, as well as original jurisdiction in disputes between emirates or between the federal government and individual emirates. Dubai, Abu Dhabi, and Ras al-Khaimah emirates are not subject to routine review by the Federal Supreme court, although they can refer individual cases to the court.

The military has its own court system and military tribunals try only military personnel. Only the Federal Supreme Court hears national security cases.

Trial Procedures.—According to the law, defendants are presumed innocent until proven guilty. The constitution provides the right to a public trial, except in national security cases or cases the judge deems harmful to public morality. There are no jury trials. Defendants have the right to be present at their trial and a limited right to legal counsel in court. 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. Defense counsel has access to relevant government-held evidence. By law all court proceedings are conducted in Arabic. Despite the defendant's procedural right to a translator, in some cases involving deportation of illegal residents, the court provided translation only at sentencing. The defense counsel often used a translator to communicate with the defendant.

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 murder cases, 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 that end in acquittals, the prosecutor may appeal and provide new or additional evidence to a higher court. An appellate court must reach unanimous agreement to overturn an acquittal.

In the ongoing case of an American citizen charged with financial crimes, the Courts and Prosecutor's office demonstrated preferential treatment to the Emirati codefendant. The court also used procedures that extended his incarceration. Police and prosecutor appeared to work to circumvent court orders that offered bail by holding cases in "investigative" status and raising additional cases against the defendant that require new rulings from the judge. These practices kept the accused incarcerated throughout the year, while other non-foreign and Emirati defendants in similar cases were allowed to defend their cases outside incarceration, in bail status.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees; however, there were persons reportedly held incommunicado and without charge for unknown reasons.

Civil Judicial Procedures and Remedies.—Citizens and noncitizens had access to the courts to seek damages for, or cessation of, human rights violations. The civil courts, like all courts in the country, lacked independence. Administrative remedies

were available for labor complaints and were particularly common in cases regarding physical abuse of domestic workers.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits entry into a home without the owner's permission, except when police present a warrant in accordance with the law, but there were credible reports that security forces occasionally failed to obtain warrants. Officers' actions in searching premises were subject to review by the Ministry of Interior, and officers were liable to disciplinary action if their actions were judged irresponsible. Unlike in the previous year, there were no reports of censorship of incoming international mail.

The constitution provides for freedom and confidentiality of correspondence by mail, telegram, and all other means of communication. However, in July 2009 the primary telecommunications provider offered a BlackBerry user update that included surveillance and interception software. Citing a technical problem, later that month the firm provided customers instructions on how to remove the program. All electronic communication remained secure and private during the year.

Local interpretation of Sharia prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," meaning 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 foreign nationals and could be deported.

Public criticism of the Government and ministers was permissible in a limited context, but criticism of ruling families, particularly sheikhs, was not permitted. Some books perceived as critical of the Government were not available for sale.

In January authorities dismissed a government employee and advisor to the Ras al Khaimah crown prince after the employee criticized the lack of press freedom in the country in a television interview. The employee's passport was withheld, and no information on its return was available at year's end.

The Government owned three of the country's newspapers and heavily influenced the privately owned media, particularly through government subsidies. A free trade zone in Dubai dedicated to media-related business is administered separately and operates under separate bylaws. Except for media located in this free zone and foreign language media targeted to foreign residents, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. Foreign journalists and news organizations operating from 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.

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.

The Government used libel laws to suppress criticism of its leaders. No journalists have received prison sentences for defamation since 2007. Other punishments for violations of libel laws remained in force, including suspension of publishing for a specified period of time and penalties of five million dirhams (approximately \$1.4 million) for disparaging senior officials or royal family members and 500,000 dirhams (approximately \$140,000) for misleading the public and harming the country's reputation, foreign relations, or economy. On September 28, the international NGO the Committee to Protect Journalists issued a statement to the press calling for the fair treatment of a Dubai-based reporter, Mark Townsend, charged with defamation in August for allegedly criticizing his employer, Khaleej Times, in a series of online posts. Information on the trial was not available at year's end.

The NMC censors reviewed all imported media and prohibited 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. The authorities treated the publication of books in the same manner.

Internet Freedom.—The Government restricted access to some Web sites and monitored chat rooms, instant messaging services, and blogs. There were 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 in 2009. Local media reported that the Ministry of Interior monitored Internet use in cybercafes.

The country's only two service providers, used a proxy server to block material deemed inconsistent with the country's values, as defined by the Ministry of Interior. Blocked material included dating and matrimonial sites; gay and lesbian sites; sites concerning the Bahai faith; some sites originating in Israel; and sites explaining how to circumvent the proxy server. The proxy servers occasionally blocked broad categories of sites. Service providers populated their list of blocked sites primarily from lists purchased from private companies, although individuals also could report offensive sites. A social Web site and the politically oriented Web sites remained blocked during the year. Some sites that contained content critical of ruling families were blocked. The NMC was responsible for creating lists of blocked sites. Service providers do not have the authority to remove Web sites from block lists without government approval.

The law explicitly criminalizes the use of the Internet to commit a wide variety of offenses and provides fines and prison terms for Internet users who violate political, social, and religious norms. The law also criminalizes acts commonly associated with "cyber crimes," such as hacking, "phishing," and other forms of financial fraud. The law 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, incite someone to commit sin, or transcend "family values" by publishing news or photos pertaining to a person's private life or family.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and censored academic materials for schools. The Government prohibited students from reading texts featuring sexuality or pictures of the human body including in health and biology classes. The Government also restricted participation in certain cultural events, primarily events it deemed un-Islamic.

Official permission was required for conferences that discussed political issues. In May the minister of social affairs ordered the cancellation of a meeting in Dubai of the Gulf Cooperation Council Association of Sociologists relating to social security, objecting to the topic of "terrorism" being addressed in conference white papers. The minister stated that the conference organizers had failed to obtain security clearance.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedoms of assembly and association; however, in practice the Government did not respect these rights.

Freedom of Assembly.—The law requires a government-issued permit for organized public gatherings. In practice the Government did not interfere regularly with informal nonpolitical gatherings held without a government permit in public places unless there were complaints.

In contrast to 2009, when there were at least two reports of unauthorized public gatherings dispersed by the police, none were reported during the year; however, in July there were credible reports that authorities arrested two citizens after they attempted to organize a protest over fuel price increases. The Government reportedly fired one of the organizers who worked for the Dubai police department in an administrative capacity.

Freedom of Association.—Political organizations, political parties, and trade unions are illegal. All associations and 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 to no government interference. Associations must follow the Government's censorship guidelines and receive prior government approval before publishing any material.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, emigration, and repatriation, and the Government generally respected these rights

in practice; however, the Government imposed legal restrictions on foreign travel. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations on a humanitarian basis, but it 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 prevent his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports. The Government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. Such revocations are rare, and there were no such reports during the year.

The constitution prohibits forced exile, and there were no reported cases during the year.

Protection of Refugees.—The country's laws do not provide for the granting of asylum or refugees. The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. There is no system for providing protection to refugees, and the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Government continued to detain some persons seeking refugee status, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries. As access to employment, education, and other public services is based on an individual's status as a legal resident, a refugee is not eligible for such benefits.

Stateless Persons.—Estimates suggested that an unverified range of 20,000 to 100,000 persons without any citizenship or proof of citizenship (known as "Bidoon") resided in the country. Although the Government improved the naturalization process in 2009, granting citizenship to 70 persons that year compared to 51 persons in 2008, no stateless person received citizenship during the year.

The Government registered Bidoon births but did not grant citizenship to the children. 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 or illegally, in search of employment. The Bidoon faced discrimination in employment and had restricted access to medical care and education. Without passports or other identity documents, their movement was restricted, both within the country and internationally. Local charities, some funded with government money, provided limited medical and educational services to Bidoon.

Citizenship is derived generally from one's parents. Children of female citizens married to noncitizens do not acquire citizenship automatically at birth, but their mothers can obtain citizenship for the children after submitting an application, which the Government generally accepts. A foreign woman may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by presidential fiat.

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. There were no democratic general elections or institutions, and citizens did not have the right to form political parties.

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. It elects from its members the country's president and vice president. Decisions at the federal level generally represented 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 the Federal Supreme Council officially adopted them, and it could send legislation back for amendment. The FNC also has the authority to question any government minister, but it requires cabinet approval in order to raise a topic for discussion, and it lacks any enforcement mechanism.

Elections and Political Participation.—In 2006 a 6,689-member-appointed electorate elected half of the 40-seat FNC; each emirate appoints a portion of the other 20 members. In 2008 the Federal Supreme Council announced a constitutional amendment that extended the term of FNC members from two to four years.

Some traditional practices discouraged women from engaging in political participation. However, there were four women in the cabinet; nine women, one of whom was elected, served in the FNC; and 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. A few women held nonfederal senior government positions in the other emirates. Women were only 17 percent of the approximately 7,000-person electorate handpicked by the emirates' rulers to vote in FNC elections.

Except in the judiciary, minorities, including Shia, did not serve in senior federal positions. Many judges were contracted foreign nationals.

Section 4. Official Corruption and Government 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.

Due to the lack of the independence of the courts, those in power or connected to the ruling families rarely were punished for corruption. Nepotism and corrupt financial and legal practices existed.

In 2008 the Department of Accountability returned to the Ministry of Finance approximately 300 million dirhams (approximately \$82 million) that 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 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally did not permit organizations to focus on political issues. 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 a government prosecutor headed the EHRA, it generally operated without government interference, apart from the requirements that apply to all associations in the country. EHRA members met with Ministry of Interior officials and prisoners during visits to several detention facilities.

The Government directed and subsidized participation by NGO members in events outside the country, such as for a human rights conference in Europe for members of EHRA. However, all participants must obtain government permission before attending such events, even if they are not speakers.

In 2009 the Ministry of Social Affairs rejected applications by the Jurists' Association to join the Arab Coalition for Development, Democracy, and Human Rights and the International Bar Association, and the Government prevented Jurists' Association Human Rights Committee members from traveling to meetings outside the country, including meetings of the Arab Jurists Union and the Gulf Jurists Union.

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 visits from international NGO representatives. On January 24, the international NGO Human Rights Watch held a press conference in Dubai where it released its annual report on human rights violations.

The Government generally cooperated with other international organizations, including the UN Children's Fund and the UNHCR. The UN Office for the Coordination of Humanitarian Affairs maintained an office in the country, and in October the Government hosted the UN special rapporteur on the sale of children, child prostitution, and child pornography.

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

The constitution provides for equality for citizens 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. The constitution does not provide for equality for noncitizens.

Women.—Rape is punishable by death under the penal code, but in Sharia courts the extremely high burden of proof often meant that there were few convictions. The penal code does not address spousal rape. There were widespread and frequent reports that foreign domestic workers were raped and sexually assaulted by their employers.

Domestic abuse against women, including spousal abuse, was a common 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. Such cases were rare. Victims of domestic abuse may file complaints with police units stationed in major public hospitals. There were several reports that police refused to protect women if they made such complaints; instead, police reportedly encouraged women to return home. In some cases, authorities contacted the allegedly abusive husbands to transport their wives home.

On October 5, the Federal Supreme Court upheld a husband's right to "chastise" his wife and children with physical force, so long as the "chastisement" did not result in bruising. On October 8, the director of the Judicial Inspection Department at the Ministry of Justice, Humaid al Muhairi, released a statement clarifying the Government's position on domestic abuse, saying that the "full force of the law will continue to be brought against those who may exercise chastisement of any kind, verbal or otherwise, beyond acceptable bounds."

Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. Women often were reluctant to file formal charges of abuse for social, cultural, and economic reasons.

The Government could prosecute harassment via the penal code prohibition on "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison and as long as 15 years if the victim is younger than 14-years-old; an "infamous" act against the rules of decency, which carries a penalty of six months in prison; or "dishonoring a woman by word or deed on a public roadway," which could result in up to one year in prison and a 10,000 dirham (approximately \$2,700) fine. However, such prosecutions rarely occurred in practice.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. According to the most recent UN estimates, the maternal mortality rate in the country was 10 deaths per 100,000 live births in 2008. A study released by the UAE Women's Federation in November noted that skilled medical personnel attended 99 percent of births. There was no information on prenatal and postnatal care. Statistics on the use of modern contraceptive methods accessible to both married and single women were unavailable; however, various contraceptives were widely available. There was no information on whether men and women are treated and diagnosed equally treatment for sexually transmitted infections, including HIV.

Women faced legal and economic discrimination. The Government's interpretation of Sharia 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 Sharia. For example, a son may inherit double what a daughter inherits when their parent dies.

In order for a woman to obtain a divorce with a financial settlement, she must prove that her husband has inflicted physical or moral harm upon her, has abandoned her for at least three months, or 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 fathers custody of female children above the age of 13 and male children above the age of 10.

On August 23, the Federal Supreme Court ruled that, in decisions on child custody, the interests of the child come first. In the ruling, the court granted a divorced woman custody of her seven sons, despite the eldest being older than 10 years old. The court established a precedent essentially limiting the application of Sharia to custody cases.

Fornication outside of marriage is a crime, and the Government may imprison and deport noncitizen women if they bear children out of wedlock. 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. In the absence of an acknowledged father, the mothers of these children faced potential legal charges of adultery, for which the punishment can be lashing, according to media reports.

No law prohibits women from working or owning businesses, and a man has no right under the Government's interpretation of Sharia to ban his wife from working if she was employed at the time of their marriage; however, some husbands reportedly did so. Women who worked outside the home regularly did not receive equal benefits, and women also reportedly faced discrimination in promotions and earning equal wages.

Women constituted approximately 75 percent of university students. Coeducation is prohibited in public schools and universities except in the United Arab Emirates University's Executive MBA program. Several private schools, private universities, and institutions were coeducational.

Children.—The Government registered Bidoon births, but it did not grant citizenship to the children.

Education is compulsory through the ninth grade; however, compulsory education was not enforced, and some children did not attend school, especially children of noncitizens. Noncitizen children could enroll in public schools only if they scored at least 90 percent on entrance examinations, which were given only in Arabic. The Government provided primary education free to citizens but not to noncitizens. Public schools were not coeducational after kindergarten. Statistically, girls and women in every age group were more academically successful and continued to higher levels of education than their male peers.

Child abuse was limited, and there was some evidence that societal influences prevented cases from being reported. The law protects children from abuse and trafficking, and the Government provides some shelter and help for victims. The law does not address female genital mutilation (FGM), which some Somali, Omani, and Sudanese foreign residents practiced. The Ministry of Health prohibits hospitals and clinics from performing FGM.

The United Arab Emirates is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no synagogues for the small foreign Jewish population in residence. Anti-Semitism was apparent in news articles and editorials. These expressions occurred primarily in daily newspapers without government response.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons who have physical and mental disabilities; however, such discrimination occurred in practice. Most public buildings provided some form of access for persons with disabilities in accordance with the law. Health care provided in the Ministry of Labor's five federal rehabilitation centers, as well as those in private centers, reportedly was inadequate.

Various departments within the ministries of labor and education were responsible for protecting the rights of persons with disabilities, and the Government effectively enforced these rights. The Government reserved 1 percent of all federal government jobs and 2 percent of government jobs in Abu Dhabi for persons with disabilities. On October 25, the Community Development Authority (CDA) in Dubai held a meeting with government and private sector human resource managers in an effort to promote employment opportunities for persons with disabilities. The CDA offers public and private corporations assistance in hiring persons with disabilities through a program called "Elkayt."

National/Racial/Ethnic Minorities.—Approximately 80 percent of the country's residents were noncitizens originating primarily from the Indian subcontinent. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.

In March the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance released a report on his October 2009 visit. The report noted the country's unique situation, where non-nationals represent the vast majority of the population, and that the influx of foreign workers created tremendous challenges for society. The report concluded that the country should enact legislation, improve policies, and implement them effectively.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Both civil law and Sharia criminalize homosexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual homosexual activity. There were no prosecutions for homosexual activity during the year. In 2009 there were reports that the Government deported and sentenced individuals to prison for openly homosexual activity.

Under the law, cross-dressing is a punishable offense. The Government deported cross-dressing foreign residents and referred citizens to public prosecutors. At times

the Government subjected persons to psychological treatment and counseling for homosexual activity.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS and other diseases 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 health benefits, quarantined, and deported.

Section 7. Worker Rights

a. The Right of Association.—The law does not permit workers to form or join unions, and no unions existed. Professional organizations, such as lawyers' associations, existed; however, they had to receive government approval for international affiliations to exist and had to receive government approval for international affiliation.

The law does not prohibit strikes by private sector workers, but it allows an employer to suspend an employee for striking. In addition the Government may cancel the work permit of and deport for up to one year any foreign worker who is absent from work for more than seven days without a valid reason.

The Government forbids strikes by public sector employees, citing national security. A public sector employee may file an administrative grievance or a case in the civil courts to address a labor-related dispute or complaint; however, there was no evidence of any such grievances or cases.

The Government generally did not punish workers for nonviolent protests in response to nonpayment of wages by employers, but it dispersed such protests during the year. Most grievances were related to unpaid wages and hazardous or abusive working conditions. The Ministry of Labor generally contacted the business owner, which usually prompted a settlement privately.

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 with the Ministry of Labor in person or via telephone, which serves as mediator between the parties. Employees may file unresolved disputes with the labor court system, which are in turn forwarded to the conciliation council. In practice most cases were resolved through direct negotiation. The Government granted some professional associations with a majority 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 professional associations as well; however, they do not have voting rights and cannot serve on the organizations' boards.

Businesses in free trade zones (FTZs) are not subject to labor statutes. The Ministry of Labor 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, such practices occurred, predominantly involving migrant workers from South and East Asia who work as construction workers or as domestic employees.

Many migrant workers were subjected to forced labor conditions such as restrictions on movement and communication, nonpayment of wages, and physical and sexual abuse. Reports of worker suicides continued. There were reports that some female migrant workers were forced into prostitution. Upon arrival to the country, some foreign workers signed contracts that had lower salaries or involved a different type of work than what was stated in contracts signed in their country of origin. This practice was known as "contract switching."

Foreign workers frequently did not receive their wages, sometimes for extended periods. In 2008, to reduce the problem of unpaid wages, the Ministry of Labor and the Central Bank signed a memorandum of understanding that facilitated direct deposits of laborers' salaries, creating the Wage Protection System. On August 26, the Government announced that 500,000 laborers were receiving their wages in this manner and set a May 31 deadline for all employers to adopt the system, which would cover more than four million workers. In contrast to 2009 when 500,000 workers received their salaries electronically, during the year 1.8 million workers enrolled in the Wage Protection System, according to the Ministry of Labor, which the Government claimed represents 100 percent of workers.

Some domestic and agricultural workers were subjected to unpaid labor to repay their employers for hiring expenses. In most cases, the workers paid recruitment fees to the recruiter in their country of origin and were responsible for repaying them once beginning work. Employers routinely held employees' passports, severely

restricting their freedom of movement. There were increasing incidents of employees prevented from changing jobs because their contracts stipulated that they were prohibited from working for a “competitor” for six months after their original employment ended. The only way to overcome the six-month restriction was to seek a letter of “no objection” from the original employer; some employers, as retribution for losing the employee to another employer, refused to sign such letters. Employees lack any recourse if this happens; they must leave the country and reenter. In December authorities announced a change in labor laws, effective in 2011, removing the requirement for employees to obtain a no objection certificate.

The Ministry of Labor made exceptions during the year by not requiring “no objection” letters if the employee had completed three years in the original position or if the employer had withheld salary.

In May local media reported that more than 1,000 workers in a labor camp outside Sharjah were stranded without work, wages, or legal residency documentation after their employer went bankrupt. On August 31, 700 foreign workers outside Sharjah, abandoned by their employer, were without access to food or water. In both cases, local charities provided food for the workers, who were seeking redress from the courts. The Ministry of Labor worked to repatriate the individuals eventually.

In another case in Ajman, workers were abandoned by their employer. Since these individuals were under contract to the Ministry of Education, the Ministry of Labor worked to repatriate the workers or find them new employers in the country.

Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of persons younger than the age of 15 and has special provisions for employing persons between 15 and 18 years of age, including foreign resident children 16-years-old or older. The Ministry of Labor is responsible for enforcing these regulations and generally enforced them effectively. However, there were reports of foreign children who came to the country under their parents’ work permits and subsequently were pressured to work. Additionally the traditional practice of using children as camel jockeys resumed in some privately held races.

Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—There is no established minimum wage, leaving much of the workforce without sufficient compensation for more than minimal subsistence. The average daily wage did provide a decent standard of living for a worker and family. Salaries, which depend on the occupation and employer, were estimated to be at least 400 dirhams (approximately \$110) per month for domestic or agricultural workers and 600 dirhams (approximately \$164) per month for construction workers. Highly skilled and white-collar employees generally received much higher salaries.

According to the labor law, the workday is eight hours and the workweek six days; however, these standards were not monitored or enforced. There were laws regulating minimum rest periods and hours worked, which varied depending on the nature of the work. There was no legal provision requiring overtime pay, nor was there a prohibition on excessive compulsory overtime. Domestic workers are under the jurisdiction of the Ministry of Interior, which has a special office for assisting domestic laborers; labor laws do not apply to domestic workers. The unregulated conditions of domestic workers left them vulnerable to long hours and underpayment.

The Ministry of Labor extended the required summer midday work break from two months to three months for most outdoor laborers. This requirement begins in June and lasts until September. However, during July and August, the hottest months of the year, the Government exempted oil, asphalt, and cement companies from following the law. The Government routinely fined employers for violating the midday break rule and published compliance statistics. For the first offense, an employer is fined 10,000 dirhams (approximately \$2,725) and is prohibited from issuing obtaining new labor permits for three months. A second offense results in a 20,000 dirham fine (approximately \$5,450) and a six-month prohibition. A third offense carries a 30,000 dirham fine (approximately \$8,175) and a one-year prohibition on new permits.

The Ministry of Labor operated a toll-free hotline through which workers were able to report companies that violated break rules or delayed wage payments.

The law requires employers to provide employees with a safe work and living environment; however, despite recent increases in the number of labor inspectors, the Government did not uniformly enforce health and safety standards. The ministry hired additional safety and health inspectors, bringing the total to more than 450.

Inspections of workplaces—primarily construction sites—took place throughout the year, resulting in fines for employers who violated workplace safety or midday break rules. The ministry 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 was ongoing. Individual emirates enforced their own standards for minimum conditions for labor accommodations.

During the year the press reported a number of cases where workers were injured or killed on job sites due to inadequate safety measures. Although the law requires the Government to monitor job-related injuries and deaths, in practice the Government registered the cases but did not consistently follow up on them.

Domestic workers routinely were subject to physical, sexual, and emotional abuse. There were reports that employers withheld the passports of their domestic workers; in some cases, they prevented workers from leaving the country. In August 2009 police in Ajman arrested a woman accused of beating her maid with an electrical cord, breaking her ribs, and burning her feet with an iron. Updated information on the court case was unavailable during the year.

Workers’ jobs were not protected if they removed themselves from what they considered to be unsafe working conditions; however, all workers have the right to lodge labor-related grievances to the Ministry of Labor. If ministry arbitration could not resolve the issue, it was referred to the judiciary.

WESTERN SAHARA

Morocco claims the Western Sahara territory and administers Moroccan law through Moroccan institutions in the estimated 85 percent of the territory it controls. However, the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (Polisario), an organization that has sought independence for the formerly Spanish territory since 1973, disputes Morocco’s claim to sovereignty over the territory. The population of the territory was approximately 491,000, an estimated 100,000 of whom were attributable to Moroccan in-migration. The majority of Western Sahara’s population is Sahrawi (literally “people of the desert” in Arabic). Sahrawis also live in the south of internationally recognized Morocco, in Algeria, and in Mauritania.

The Moroccan government sent troops and settlers into the northern two provinces after Spain withdrew in 1975, and extended its administration to the third province after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until a 1991 ceasefire and the deployment of a UN peacekeeping contingent, the UN Mission for a Referendum in Western Sahara (MINURSO), whose mandate does not include human rights monitoring. In the late 1980s, Morocco constructed a 1,250-mile stone and sand wall known as the “berm” that marks the effective limit of its administrative control.

In 1988 Morocco and the Polisario agreed to settle the sovereignty dispute by referendum. The parties did not resolve disagreements over voter eligibility and which options for self-determination (integration, independence, or something in between) should be on the ballot; consequently, a referendum never took place.

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. Morocco proposed autonomy for the territory within the kingdom; the Polisario proposed a referendum in which full independence would be an option. After four meetings in 2007 and 2008 produced little progress, both sides participated in informal meetings in August 2009, and during the year from February 10 to 11, from November 8 to 9, and from December 16 to 18 under the auspices of Personal Envoy of the UN Secretary General for Western Sahara, Christopher Ross. Neither the November nor the December meetings yielded significant progress toward a permanent solution to the conflict.

On April 30, the UN Security Council adopted Resolution 1920, extending MINURSO’s mandate until April 30, 2011. The resolution also called on member states to consider voluntary contributions to confidence building measures carried out under the UN High Commissioner for Refugees intended to allow increased contact between family members separated by the dispute.

Morocco considers the part of the territory that it administers to be an integral part of the kingdom with the same laws and structures conditioning the exercise

of civil liberties and political rights. Accordingly, ultimate authority rests with King Mohammed VI, and human rights conditions in the territory tended to converge with those in the kingdom.

There were reports that government security officials committed arbitrary or unlawful killings. There were unconfirmed reports of politically motivated disappearances.

On October 10, 173 Saharawis set up approximately 40 tents outside of Laayoune in an area known as Agdem Izik to protest the Government's lack of response to poor social and economic conditions in the territory. The camp grew quickly, and by late October, according to most government and credible NGO estimates, as many as 16,000 persons lived in or spent significant time in the camp. On October 21, a delegation led by three regional walis, or regional governors, began negotiations with the organizers of the tent settlement to address the organizers' social and economic concerns, including housing conditions and employment. In order to control the growing number of individuals moving in and out of the community, authorities built a sand wall around the site and placed security checkpoints around the perimeter.

On October 24, security forces shot and killed 14-year-old Al-Nagem Al-Qarhi and injured four other civilians while they were in a car at a checkpoint waiting to enter the Agdem Izik tent camp. In an official statement, the Ministry of the Interior stated that known criminals were riding in the vehicle and that they fired on the gendarmes who had attempted to detain them. An independent investigation, conducted by the domestic NGOs Mediator for Democracy and Human Rights (MDDH), the Forum for an Alternative Morocco, and the Moroccan Observatory for Public Liberties (OMLP), confirmed that a group of men in a 4X4 vehicle attempted to force their way past a Royal Gendarmerie checkpoint. The NGOs noted that gunfire ensued during the incident, but could not identify who fired first. Authorities opened an internal judicial investigation, which they had not concluded at year's end.

After negotiations between Interior Ministry officials and camp organizers failed to result in a peaceful dismantling of the camp, authorities moved on November 8 to dismantle it using water cannons and truncheons. Police and gendarmes dispersed several thousand campers and quickly leveled the camp. When news of the dismantling reached Laayoune, it prompted widespread rioting, violent attacks, and confrontations between security forces and protestors.

The Government, international human rights NGOs, and independent domestic NGOs reported that 11 members of the security forces were killed and over 200 injured in violent clashes with Agdem Izik campers or protestors in Laayoune. Two Sahrawis also died in the violence, and some international media sources reported that hundreds of Sahrawis were injured. The Government reported that a nonofficial vehicle accidentally struck and fatally injured 26-year-old Babi Gargar Brahim Ould Mahmud Hamadi in Laayoune. His brother and other eyewitnesses told a Human Rights Watch (HRW) investigator that a police vehicle purposefully struck him while he lay injured on the ground.

Another civilian, 42-year-old Brahim Daoudi, died in police custody. The Government reported first that he suffered a fatal asthma attack at the Laayoune Military Hospital after security forces detained him. A second official press statement called the cause of death pneumonia. However, Daoudi's family members told Amnesty International (AI) and other NGOs that the Government never confirmed the cause or circumstances of his death. At the request of NGOs and the families, the Government opened investigations into both civilian deaths; by year's end, it had not concluded either investigation, and authorities had not provided autopsy reports to the family or to the public.

In response to the November 8 events, the parliament, domestic human rights organization Association Marocaine des Droits de l'Homme (AMDH), and a separate consortium of 11 other domestic human rights NGOs launched investigations. The AMDH and HRW reports, which were available at year's end, confirmed the Government's claims that it did not use lethal force during the operation to dismantle Agdem Izik and that there were several casualties among security forces. However, AMDH and HRW also concluded that police and gendarmes used excessive force, including physical beatings to the point of unconsciousness, in suppressing the unrest in Laayoune. The reports also claimed that security forces mistreated detainees who were taken into custody following the violence, and that officials and pro-Moroccan civilians had attacked several Sahrawi homes in Laayoune. The parliament's and the consortium's reports had not been released by year's end.

There were unconfirmed reports of politically motivated disappearances.

On April 28, plainclothes police in Laayoune allegedly abducted Mohamad Abdellah Dayhani. His family reported to the Sahwari Collective of Human Rights Defenders (CODESA) that Dayhani was last seen near the residence of his relative

and Sahrawi independence activist Abdallah Dayhani. His family allegedly inquired about his whereabouts at the police station and received no information. Government authorities claimed that although Dayhani's mother appeared at a police station to inquire into the whereabouts of her son, she never returned with the information that authorities requested she provide to launch an investigation.

Regarding the 2007 discovery of a gravesite near the Laayoune Prison, the Government stated that judicial police who inspected the gravesite with the assistance of French forensics experts found human remains that appeared to date to 1938. There were no further developments.

Regarding the still-unresolved cases of disappearance dating to the 1970s and 1980s, the Governmental Consultative Council for Human Rights (CCDH) continues to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) to investigate claims of enforced and involuntary disappearances. The CCDH has provided the OHCHR with information regarding 56 cases that the OHCHR considers unresolved. CCDH and UNCHR continued to receive occasional new claims regarding disappearances that occurred in the 1970s and 1980s. The CCDH acknowledged that due to a lack of evidence, it will likely be unable to resolve nine difficult cases. Sahrawi human rights groups and families, on the other hand, claimed that at least 114 cases remained unresolved and accused the CCDH and its predecessor, the Justice and Reconciliation Authority (IER), of failing to acknowledge many additional alleged disappearances, especially from Western Sahara.

As it has done since 2000, the CCDH paid reparations during the year to victims of human rights abuses, including Sahrawis or family members of those Sahrawis who had disappeared or been detained during the 1970s and 1980s. During the year 331 individuals received reparation payments totaling 46,233,210 dirhams (\$550,395). The CCDH reported that although it continued to receive and investigate reparation claims during the year, it had shifted its focus to community reparation projects, including providing medical insurance to victims' families. During the year CCDH disbursed 979 medical insurance cards to individuals living in both Morocco and in Western Sahara.

There were credible reports that security forces engaged in torture, beatings, and other mistreatment of detainees. HRW, AI, and local NGOs continued to report abuses, especially of Sahrawi independence advocates.

Moroccan authorities detained more than 300 civilians during the November 8 dismantling of the Adgem Izik camp and the subsequent violence in Laayoune. Authorities released without charge more than 100 individuals within 48 hours, but by year's end, the Government had charged at least 60 with crimes. By year's end, the Government claimed that nearly all detainees had been arraigned before a civilian court and that 47 remained in custody at the Laayoune Prison awaiting trial. Authorities reported that they had arraigned and transferred 20 additional detainees to the Sale Prison in internationally recognized Morocco, where they were awaiting trial before a military tribunal at year's end. However, NGOs alleged that the Government continued to hold as many as 131 detainees in either Sale or Laayoune and had not filed formal charges against some of them by year's end.

Many of those released and many of the families of those still in custody claimed that security officials beat and otherwise abused them. International and domestic NGOs claimed that security forces beat some civilians to the extent that they sustained fractured limbs, open wounds, and loss of consciousness. NGOs and family members also claimed that the security forces used rubber bullets during the riots in Laayoune, although the Government denied this charge. AI reported that, in two cases, victims alleged that police raped them while in custody. In addition AI, the Association of Sahrawi Victims of Grave Human Rights Violations (ASVDH), and other domestic NGOs alleged that, in numerous instances, security officials threatened detainees with rape.

In the ensuing protests and riots that occurred after the dismantlement of the camp on November 8, numerous eyewitnesses reported that police beat and used excessive force to detain protestors and bystanders. Police briefly detained and beat with fists and rubber batons an American journalist and a Sahrawi employee of HRW, who watched as police indiscriminately beat several other Sahrawis who had gathered in the area. Police took the two to a temporary holding station on the periphery of a city square and released them without charge.

Regarding the February 2009 case of a Sahrawi independence activist who claimed that police had beaten and sodomized her, the Ministry of Justice rejected the case for lack of evidence after judicial police investigated. Western Sahara-based human rights NGOs criticized the decision and the lack of transparency in the investigation.

The Procurer General also rejected for lack of evidence a well known human rights activist's August 2009 claim that police stripped her, left her naked on the

outskirts of Laayoune, and threatened to post videos of her on the Internet. The Government confirmed that the victim had submitted a complaint to the Public Prosecutor in Laayoune in September 2009 and that the public prosecutor had investigated the accusation. Western Sahara-based human rights NGOs criticized the decision and the investigation.

Authorities confirmed in November that the General Prosecutor at the Court of Appeals in Laayoune received a complaint from 20-year-old Chamad Marzouk, who alleged that two police officers beat him while he was in custody in September 2009. Authorities conducted an investigation, but the Attorney General ruled that Marzouk's allegations were unfounded due to a lack of evidence, including medical documentation or eyewitnesses.

Sahrawi activist Yahya Mohamed El Hafed, convicted by a judge along with seven others of killing a security officer in 2008, remained in prison. The group claimed that the court convicted them based on confessions elicited through torture. The Government reported that it had released one of the convicted, Omar El Faquir, in 2008. There were no other developments in the case.

There were several cases of violence breaking out at rallies or demonstrations between pro-independence Sahrawi groups and pro-union activists. In all these cases, the Government reported security forces responded adequately to prevent violence from becoming serious, although Sahrawi activists alleged that the security forces responded slowly and sometimes even tacitly encouraged violence.

On April 6, a group of 11 Sahrawi independence activists returned to Laayoune after having traveled to Algiers and the Sahrawi refugee camps near Tindouf, Algeria, to meet with Algerian and Polisario officials. When various groups gathered at the airport to greet the activists, 31 nationalist Sahrawi associations clashed with several groups of pro-union activists. Independence activists claimed that plainclothes police encouraged pro-union demonstrators to attack them and deliberately delayed action to prevent the violence. While no one was seriously injured, crowds damaged the vehicles. The Government claimed that security forces acted professionally and prevented greater violence.

On April 8, police stopped independence activists Sultana Khaya and others who had returned from Algiers on April 6 at a standard police checkpoint in Boujdour. The activists reported that a large group of pro-union activists had gathered at the checkpoint to await the group. While independence activists report that the pro-union group attacked first, pro-union activists allege that the independence activists provoked the ensuing violence. CODESA claimed that three individuals were injured. Authorities reported the scuffle and claim they maintained order.

On May 7, ASVDH claimed that security forces intervened during a pro-independence Sahrawi demonstration in the Ma'atalah neighborhood of Laayoune, resulting in injuries to Dagna Moussaoui and her two sons, Jamal and Alyen Housaini. Authorities confirmed that a group of activists held a protest near a school where one police officer on a routine patrol dispersed the students, but claimed that their intervention was nonviolent.

On July 18, several pro-independence activists gathered to welcome activists who had recently visited Algiers and Tindouf. The reception took place in the Al'Ina'ach neighborhood of Laayoune, which was reportedly surrounded by dozens of police cars and plainclothes security authorities. ASVDH reported that police verbally intimidated gatherers and attacked several individuals including Mohamed Manolo Hassan Dah, Khadjatou Lma'adal, Mary Salek Boudjemaa, and Kalthoum Lbsair.

Police impunity remained a problem. According to several international, domestic, and Sahrawi NGOs, the number of alleged victims of human rights abuses to file complaints against police increased. The Government disputed the alleged increase and provided statistics indicating that through October, residents of Western Sahara filed 45 complaints against authorities based throughout the territory. Authorities referred all 45 complaints to the judicial police for investigation. The Public Prosecutor opened investigations into all 45 complaints but dismissed 32 due to lack of evidence. Thirteen cases remain under investigation. International and domestic human rights organizations claimed that authorities dismissed nearly all complaints without collecting evidence beyond the police version of events.

The Government stated that it increased investigations, prosecutions, and training (including a human rights component) to security personnel and took some steps aimed at reducing police abuse and impunity. The Government reported that some of these prosecutions involved officers who committed crimes in the territory; however, the exact number was uncertain because the Government did not disaggregate any of the data by region. Past practice has often left alleged abusers in leadership positions or transferred them to other positions.

Allegations of abuse and substandard prison conditions persisted. Government policy permits NGOs that provide social or religious services to prisoners to enter

prison facilities, but does not permit NGOs that solely have a human rights mission to enter except when authorities authorize them to do so. The Moroccan Observatory of Prisons (OMP), a government-subsidized local NGO consisting of lawyers and benevolent activists promoting better conditions for prisoners, and members of the CCDH continued regular visits to prisons and child protection centers, which host juvenile offenders, and relayed complaints of substandard prison conditions or detainee abuse to government authorities.

In October OMP stated that overcrowding in the Laayoune Prison, the sole prison in Western Sahara, was no longer as serious a problem as in past years, and conditions had improved significantly. The prison had an initial capacity of 300. OMP reported in October that authorities had reduced the prison population from a high of 900 inmates in 2005 to 448 through a program that transferred prisoners to other facilities in internationally recognized Morocco. Of the remaining 448 prisoners, there were 39 women and 31 teenagers, all of whom were separated from the men while in detention. However, overcrowding increased when authorities imprisoned up to 300 Sahrawis in connection with the Agdem Izik camp dismantling in November. Authorities held the majority of these prisoners for one to four days, then released them without charge, and government and NGO reports indicated that between 47 and 111 Sahrawis detained in connection with the November 8 events remained in the Laayoune Prison, bringing the population at year's end to between 495 and 559. Human rights activists and NGOs continued to charge that the Government occasionally used its program to reduce overcrowding as a punishment for politically active prisoners by transferring them to facilities in Morocco far from their families. The Government and OMP acknowledged that transfers occurred, but stated that their purpose was apolitical and solely to improve prison conditions.

In addition to the main Laayoune Prison, there are small holding cells in Smara, Boujdour, and Dakhla, which can hold approximately 20 prisoners each. Overcrowding at these facilities was generally not a problem.

Human rights and pro-independence activists continued to claim that authorities arrested them for their political activities but charged them with drug or other criminal offenses. Laws require authorities to investigate abuse allegations for any individual facing prosecution who requests an investigation, but local and international human rights advocates claimed that courts often refused to order medical examinations, or to consider medical examination results in cases of alleged torture.

In September the Government reported that the public prosecutor and magistrates had requested expert medical examinations for 31 individuals, compared with 27 requests in 2009 and 49 requests in 2008. An 11-member coalition of Moroccan NGOs reported that 52 Sahrawis arrested by security forces in connection with the November 8 camp dismantlement and ensuing protests alleged police torture and submitted requests for medical examinations. The Government's response to their requests was unknown at year's end.

The Government stated that by law and in accordance with official policy, there are no political prisoners in Morocco or Western Sahara, and all detainees had been convicted of or charged with crimes. However, human rights and pro-independence groups alleged that there were approximately 52 Sahrawi "political prisoners" held either in Western Sahara or in prisons in internationally recognized Morocco. OMP noted that, at year's end, all known Sahrawi political activist prisoners were in detention facilities in Tiznit, Kenitra, Ben Slimane, Agadir, Taraghazout, Casablanca, and Sale.

Students who made public displays of their support for Western Saharan independence were reportedly detained and mistreated. Student and human rights activists stated that authorities regularly took them into custody, beat them, and released them within 24 hours without formal arrest or charge.

In September 2009 according to local NGOs, police allegedly threw demonstrator Mohamed Berkan from a window in Laayoune during an unauthorized demonstration. The Public Prosecutor officially refuted the NGOs' allegation and charged Berkan with assaulting an officer and other crimes. Berkan paid a 200 dirham (\$25) fine, and authorities released him on September 27 after he completed his full one-year sentence.

Law prohibits questioning the institution of the monarchy, Islam as the state religion, and Morocco's claim to sovereignty over Western Sahara (see country report on Morocco). The king announced, in a November 2009 speech, a policy of decreased tolerance for individuals who hold pro-independence views. As a result, individuals and the media engaged in self-censorship, and no views appeared in the media during the year supporting either independence or a referendum that included independence as an option.

Authorities barred Moroccan and international journalists from travelling to Laayoune in the days preceding and subsequent to the November 8 camp dismantlement.

ment, making it difficult for the public to obtain and verify information regarding injury and death tolls. There were no reports of government action against Web log writers in the territory. During the year there continued to be credible reports that government authorities prevented some foreign journalists from meeting with pro-independence activists.

Moroccan and international media, as well as satellite television, were available in the territory. There was no indication that Internet access in the territory differed from that in internationally recognized Morocco, which was generally open and unrestricted, although the Government blocked a small number of Morocco-based Web sites and proxies used to make activity on the Internet untraceable.

The constitution provides for freedom of assembly and association within the limits provided by law. Although sit-ins, demonstrations, and protests occurred, in practice the Government used administrative delays and other methods to suppress or discourage demonstrations. The Government also prohibited or failed to recognize associations it deemed unqualified for NGO status.

The Ministry of the Interior required persons wishing to hold public gatherings, including demonstrations, to obtain permission for public assemblies. However, authorities often allowed those who have not received permission to hold assemblies on an unofficial basis. NGOs have complained that the process is never consistent.

The constitution and the law provide for freedom of association. Specifically, a 1958 decree, Dhahir 1-58-376, article 5 governs the establishment and functioning of establishments.

Pro-independence organizations and some human rights NGOs stated that in recent years they have applied less frequently for legal permits to engage in sit-ins and demonstrations because police rarely granted the permits. In addition to these limitations, the organizations reported that holding organized demonstrations became more difficult because police increasingly harassed them following the king's November 2009 speech. The Government reported that as of October, (the last date for which figures are available) over 130 demonstrations or protests had been held in Western Sahara. The majority of these regarded socioeconomic issues such as unemployment and housing concerns, but many also had political overtones.

The Government enforced strict procedures governing the ability of NGOs and activists to meet with journalists. Foreign journalists needed prior official approval before meeting with pro-independence NGOs.

As in previous years, the Government did not allow CODESA or ASVDH to register as official NGOs, limiting their ability to raise funds domestically and internationally and to secure space for public meetings. CODESA last submitted an application in 2008 by registered mail. ASVDH leadership reported that in 2005, an Agadir administrative court ordered the Government to register it; however, the Government did not do so.

The Government continued to accuse the Polisario of withholding information regarding 213 Moroccans alleged to be missing since the 1975-91 war, and the Polisario continued to accuse Morocco of withholding information concerning approximately 150 Algerians and Polisario supporters (including 58 soldiers). Morocco and the Polisario both denied that any former combatants remained in detention.

Corruption among security forces and judicial officials was a problem.

The laws and restrictions regarding religious organizations and religious freedom in the territory are the same as those in Morocco. For a complete description of religious freedom, please see the 2010 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

HRW and ASVDH reported instances of authorities preventing foreign persons from meeting with pro-independence activists.

Sahrawi independence activists alleged that on August 28, plainclothes security forces beat and arrested 14 Spanish activists protesting human rights violations in Western Sahara in front of the Hotel Negjir. ASVDH reported that authorities expelled the Spanish activists to the Canary Islands after hours of interrogation. Moroccan authorities claimed that police only intervened to prevent and manage a brawl that resulted when Moroccan youth leaving a soccer match came across the Spanish activists. In an August 30 statement, the Spanish Foreign Ministry confirmed that the Moroccan police had detained 11 Spaniards and accepted Morocco's explanation that the police had intervened with the aim of defusing clashes between demonstrators and Moroccan citizens.

Although in previous years, the Government occasionally restricted freedom to travel abroad, there were no reports that the Government restricted freedom to travel abroad during the year.

In an October 2009 case, authorities detained and charged seven Sahrawi activists with "intelligence cooperation with a foreign entity" and incitement to disturb public order after they traveled to meet with Algerian and Polisario officials in Al-

giers and Tindouf. Government officials sent the case to a military tribunal in accordance with a law that gives military courts jurisdiction over cases involving treason or espionage. On January 28, the prison administration provisionally released one of the activists, Dakja Lashgar, due to health problems, but the Government did not drop official charges against her. After the remaining six activists engaged in a 41-day hunger strike, a separate civilian court in Sale ordered the provisional release of Yahdith Ettarouzi, Rachid Sghir, and Saleh Labihi on May 18, but also did not drop charges against them. On September 23, the military court in Sale dismissed the espionage charges against the seven and referred the case to the Casablanca civil appeals court for a hearing on the remaining charge of incitement. The remaining imprisoned activists, Ahmed Alansari, Brahim Dahane, and Ali Salem Tamek, appeared four times before the Casablanca court, but the judge postponed the case each time because pro-Moroccan activists in the courtroom caused chaos and physically threatened the three defendants. Numerous credible Sahrawi and Moroccan human rights NGOs claimed that authorities permitted the scenes of chaos inside the courtroom as a means of intimidating the detainees and any witnesses or family members who might have wished to attend. They also continued to maintain that the charges against the seven were politically motivated. The detainees' families reported that while their access to the detainees was limited during the first month of the activists' detention, the Government generally allowed them access thereafter.

CODESA leader Aminatou Haidar, whom authorities prevented from reentering the territory for 34 days in November and December 2009, returned on December 18, 2009. Since her return, Haidar has travelled freely in and out of the territory.

Since 1977 the inhabitants of the Western Saharan provinces of Laayoune, Smara, Awsard, and Boujdour and, since 1983, Oued Ed-Dahab, have participated in Moroccan national and regional elections. In the June 2009 communal elections, the Government allowed only Sahrawis with pro-Moroccan political views to serve as candidates. Turnout exceeded 70 percent of registered voters. Domestic observers leveled accusations of corruption, principally vote buying, in some races.

Relatively little information was available on discrimination in the territory. In traditional tribal Sahrawi society, women participated more actively in political and economic activities than among other North African ethnic groups. Most Sahrawis in the territory lived in urban or semi-urban environments, and their circumstances paralleled the situation in Morocco proper. In the June 2009 communal elections, women won 13 percent of seats due partly to the implementation of the same new quota system used in internationally recognized Morocco, which required all political parties to include at least 12 percent women on their party slates.

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The Moroccan labor code applies in the Moroccan-controlled areas of the territory. Moroccan unions covering all sectors were present in those areas but were not active. The largest trade confederations maintain a nominal presence in Laayoune and Dakhla. These include the Moroccan Union of Labor, the Democratic Confederation of Labor, and the National Union of Moroccan Workers.

The constitution and the labor code permit the right to strike, but there were no known labor strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. Unions were also active in the phosphate and fishing industries. Wage-sector workers in the territory earned up to 85 percent more than their counterparts in Morocco as an inducement for Moroccans to relocate to the territory. The Government exempted workers from income and value-added taxes.

The labor code prohibited forced or bonded labor, and there were no reports that such practices occurred. Penalties for those who perpetrate forced labor range up to four years' imprisonment, and penalties for forced child labor are between one and three years in prison. Labor inspectors assigned to labor delegation offices enforce Moroccan labor laws. There are two delegations in Western Sahara, one in Laayoune and one in Oued Eddahab.

Regulations on the minimum age of employment were the same as in Morocco. There were no reports regarding child labor in the formal wage sector. There were reports of children working in family-owned businesses and in the agricultural sector.

The minimum wage and maximum hours of work in the territory were identical to those in Morocco. In practice during peak periods, workers in fish processing plants worked as many as 12 hours per day, six days per week. Occupational health and safety standards were the same as in Morocco and enforcement was rudi-

mentary, except for a prohibition on the employment of women in dangerous occupations.

YEMEN

Yemen, with a population of approximately 23 million, is a republic whose law provides for presidential election by popular vote from among at least two candidates endorsed by parliament. In 2006 citizens reelected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, but one 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 are a number of parties, President Saleh's General People's Congress (GPC) dominated the Government. Armed conflicts with the Houthi rebels in the North and with elements of the Southern Mobility Movement in southern governorates, as well as with Al-Qaida in the Arabian Peninsula (AQAP) terrorists, affected the Government's human rights performance. There were instances in which elements of the security forces acted independently of civilian control.

Armed conflict in the northern Saada region declined markedly after a February 11 ceasefire. Nonetheless, violence and abuses persisted in connection with ongoing protests by the Southern Mobility Movement, a decentralized umbrella group formed in 2008 as a result of widespread antigovernment protests that sought more rights for southerners and during the year increasingly became associated with activists seeking to reestablish an independent South Yemen.

During the year attacks, often by unknown actors, occurred on government security forces, usually attributed to AQAP, although government claims of AQAP responsibility could not be verified in many cases.

The main government human rights abuses included severe limitations on citizens' ability to change their government due to, among other factors, corruption, fraudulent voter registration, administrative weakness, and close political-military relationships at high levels. Arbitrary and unlawful killings, politically motivated disappearances, and reports of torture and other physical abuse accompanied the use of excessive force against civilians in internal conflict. Prisons and detention centers were in poor condition, and some private, largely tribal, ones operated without legal authorization or control. Arbitrary arrest and detention, sometimes incommunicado, and denial of fair public trial were widespread. Official impunity was common. The Government restricted civil liberties, including freedoms of speech and of the press, including access to the Internet, peaceful assembly, and religious freedom. The judiciary was weak, corrupt, and lacked independence. Official corruption and lack of government transparency were severe problems. International humanitarian groups estimated more than 300,000 persons were internally displaced as a result of the Saada conflict. Pervasive discrimination against women continued, as did early marriage, child labor, and child trafficking. Discrimination on the basis of religion, sect, and ethnicity was common. Workers' rights were 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 or its agents committed arbitrary or unlawful killings during the year, including politically motivated killings. Security forces killed suspects during apprehension and public demonstrations in actions that appeared to be politically motivated. The vast majority of reported killings were related to the two internal conflicts (see section 1.g.). In the governorates of Saada and Amran in the North, government forces sought to end a long-festering conflict with Houthi tribal forces, who are Shia Muslims of the Zaydi sect motivated by a sense of political, social, and religious marginalization; Saudi Arabian military forces reportedly also killed Houthi citizens in Yemen. The conflict in the South saw lethal action against separatists and Islamic militants, usually associated with AQAP. Insurgent tribal elements in the North and separatists and Islamist militants in the South committed politically motivated killings. Al-Qaida in the Arabian Peninsula claimed responsibility for some killings. Tribal violence against the Government, a regular feature of the country's politics, often led to governmental attribution of killings to AQAP, whose members frequently were linked by birth or marriage, rather than ideology, to belligerent tribes.

Apart from the two internal conflicts, government forces also committed arbitrary killings. For example, on August 6, according to the domestic nongovernmental organization (NGO) the National Society for the Defense of Rights and Freedoms (HOOD), Abdul-Ghani al-Zamzani struck a cement barricade in Sana'a with his truck near the house of the father of the chief of staff of the Central Security Forces (CSF). House guards and CSF officers shot at Zamzani, who despite being wounded fled to his residence nearby, where a CSF officer shot and killed him at close range. The CSF officials prevented Zamzani from receiving medical care and also prevented local police from conducting an investigation.

Some detainees died in custody. For example, on June 25, Ahmed al-Dirwish died while detained by police in Khor Maksar. According to a local NGO, he died because of injuries sustained from torture. Despite an order from the attorney general, investigators did not present the suspects responsible for the incident. An autopsy showed that Dirwish sustained broken ribs and substantial bruising and had ingested poison. On July 11, Faisal Al Goma'i died a month after suffering severe burns he received during a beating while in police custody at Al Shahid Al Ahmar Police Station in Sana'a. Police officials claimed the injuries were self-inflicted, and authorities did not conduct an adequate judicial investigation into the matter.

Persistent, low-intensity conflict among tribes and between tribes and the Government resulted in killings and other abuses. On May 7, during the noon prayer, a group of armed men killed Houthi leader Yahya Al-Hames at the Muhammad Al-Ezzi mosque in Majez, Saada. On July 24, in Amran Governorate, according to the local press, clashes between Houthis and Sufian tribes over tribal properties killed at least 40 persons. Other incidents of fatal shootings continued throughout the year. In most cases it was impossible to determine the perpetrator or motive, and there rarely were claims of responsibility. Some killings may have had criminal, religious, or political motives, while others appeared to involve land disputes or tribal revenge.

There continued to be no investigation into the 2008 reported security force killings of Saleh Abubakr al-Sayed, Muhammad Ali Muhammad, Saleh Taleb Saeed, Abdelfatah Saif Abdullah, and Hisham Ahmed Muhsen.

In November 2009 Saudi armed forces fought Houthi rebels, claiming that its attacks were within Saudi territory and intended to eliminate armed groups of Houthi rebels who had killed three border guards and wounded 15 other members of the security forces in the border region of Jebel al-Dukhan. According to media reports, Saudi forces continued to kill civilians in cross-border air and artillery strikes for more than a week after an initial January 23 ceasefire. The Houthis claimed there were 14 deaths, including some women and children, due to Saudi military action.

The land was littered with mines and unexploded ordnance from 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 civil war. The majority of mines were in border areas between the former North Yemen and South Yemen and in the southern governorates. Many minefields in the southern governorates remained unmapped. According to the Governmental Yemen Executive Mine Action Center (YEMAC), during the year anti-personnel mines injured eight persons but caused no deaths. YEMAC tallied 15 deaths and 26 injuries from mines and explosive remnants of war during the year. YEMAC reported approximately 55 square miles of land remained to be demined at the end of the year.

b. Disappearance.—During the year there were reports of politically motivated disappearances of individuals associated with southern protests and with the conflict in Saada in the North. Although many disappearances were short-term detentions followed by releases, the whereabouts of other individuals remained unknown for months or longer. Civil society groups accused the Government of using sporadic disappearances to intimidate the populace.

Tribal kidnappings traditionally carried out to attract government attention to specific grievances occurred. On May 17, tribal gunmen kidnapped two foreign workers in Shabwa and released them two days later. On May 24, members of the Shardah tribe abducted two foreigners as well as their citizen driver and translator near al-Haima. They also were released after two days.

On May 17, two German girls, kidnapped in June 2009, were released. There was no confirmed information concerning the fate of the remaining hostages: their infant brother, their parents, and a British engineer.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, but domestic law lacks a comprehensive definition, according to the May 25 UN Committee Against Torture's Concluding

Observations on the country. Human rights NGOs and former detainees and prisoners corroborated allegations of widespread practice of torture and mistreatment.

The international NGO Amnesty International's (AI) 2010 annual report claimed that police brutality and torture of detainees were widespread and affected political as well as ordinary criminal detainees and prisoners, and that officials committed these acts with impunity. Reported techniques included beatings with fists, sticks, and rifle butts; kicking; scalding with hot water; using excessively tight handcuffs; prolonged blindfolding and suspending by the wrists or ankles; denying water or access to toilets; burning with cigarettes; stripping naked; denying food and prompt access to medical help; and threatening sexual abuse and death. Sleep deprivation and solitary confinement were other forms of abuse reported by local human rights NGOs to have occurred in Political Security Organization (PSO) detention centers.

Ministry of Interior (MOI), which includes CSF and National Security Bureau (NSB), officers reportedly used force during interrogations, especially on those arrested for violent crimes, although according to the Ministry of Human Rights (MOHR), torture was not MOI policy. The PSO, a security apparatus reporting directly to the president, previously stated that torture did not occur at its facilities. New PSO officers must sign a document certifying they recognize torture is illegal according to the laws and constitution of the country and that those who torture prisoners would be punished according to the law.

Penal law, based on the Government's interpretation of Shari'a (Islamic law), permits amputations and physical abuse, such as flogging, as punishments for some crimes.

During the year the MOHR reported it received one complaint alleging torture at the hands of the military, police, or other security services but acknowledged that other isolated incidents might have occurred. It stated that most complaints concerned prison conditions. HOOD claimed it received dozens of complaints of torture during the year; however, because the complainants often brought their cases weeks or months after the torture allegedly occurred, their claims were difficult to verify. If HOOD has the capacity and interest, it takes the Government to court on behalf of the victims. The domestic NGO Yemeni Organization for the Defense of Public Rights and Liberties (YODPRL) claimed to have documented 11 cases of detainees with chronic injuries resulting from torture during the year. On March 29, Mohammad al-Maqaleh, a journalist, claimed at a press conference held shortly after his release following six months of detention by the PSO that he was subjected to torture. He claimed he was held incommunicado and experienced the "harshest of physical torture."

Some detainees, such as Ahmed al-Dirwish and Faisal Al Goma'i, died in custody allegedly after torture (see section 1.a.).

According to the domestic NGO Women Journalists without Chains, Sana'a police officers tortured Fuad Ahmed Naji after detaining him in October at a demonstration in Sana'a supporting internally displaced persons (IDPs) from al-Djashen. He allegedly was subjected to electric shock, cigarette burns, and gun-butt strikes and was hospitalized for his injuries.

Prison and Detention Center Conditions.—Local and international observers reported prison conditions remained poor and did not meet international standards. The Government permitted some visits by independent human rights observers. Prison conditions deteriorated during the year due to the marked increase in the number of prisoners, according to HOOD.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. In some cases prison authorities reportedly extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners' family members paid authorities.

In some rural and women's prisons, children were held with adults. By custom young children and babies born in prison remained in custody with their mothers. Local NGOs asserted children were held with adults in Sana'a jails. Pretrial detainees were held with convicted criminals.

Local tradition requires male relatives of female prisoners to arrange for their release. Authorities regularly held female prisoners in jail after the end of their sentences if male relatives refused to authorize their release, a practice that occurred because of the shame associated with the return of an imprisoned female family member or because families were unable to pay the "blood money" resulting from a court judgment. There were no female guards in female prisons or detention centers, except at the Hajjah Detention Center.

The Department of Public Prosecutions has overall responsibility for overseeing and inspecting prisons. It performed investigative and monitoring functions without real effectiveness, hampered by a lack of authority over powerful security agencies

and tribal leaders who controlled separate prison and detention fiefdoms. In the mosaic of different prison arrangements and authorities, several patterns emerged. Apart from incommunicado detention, visitor access was reasonable, and religious observance was permitted. There was no evidence that prisoners and detainees were permitted to submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions. Similarly, there was no evidence that the Government or local prison authorities investigated credible allegations of inhumane conditions and publicly documented the results. According to a HOOD statement on November 23, PSO prison officials in Sana'a incited detained Sunni al-Qaida suspects to beat severely Shia Houthi detainees on several occasions during the year.

Authorities granted limited access to family members of PSO prisoners and detainees but routinely denied parliamentarians' and NGO requests for access to investigate human rights violation claims. The PSO argued that prospective visitors failed to comply with proper notification procedures.

Prison authorities granted the MOHR and a few local NGOs, including HOOD, access to selected MOI prisons. NGO representatives met with MOI prisoners as private visitors. The MOHR said it met with NGOs frequently throughout the year and served as a mediator between NGOs and the Government. The MOHR also conducted awareness campaigns concerning civil rights in a number of governorates. The Government allowed independent human rights observers access to PSO prisons during the year, a departure from prior years.

The MOHR stated it conducted more than 15 prison visits in 15 governorates during the year, including surprise visits and visits conducted by the minister. It also inspected juvenile centers in approximately 15 governorates. The MOHR claimed the successful implementation of most recommendations in its 2007 report on prisons, such as the separation of incarcerated adults and minors and provision of educational instruction to prisoners.

The International Committee of the Red Cross (ICRC) suspended visits in 2004 to PSO facilities, citing the PSO's failure to agree to the ICRC's universally applied manner of conducting visits, which includes regular access to and private interviews with all detainees. During the year the ICRC determined the PSO was cooperative and by year's end had made three visits to PSO facilities (see section 5).

During the year the Government provided a few independent human rights observers limited access to selected prisons. There was no ombudsman advocating for humane and bureaucratically correct treatment of prisoners and detainees.

Unauthorized "private" prisons and detention centers in rural areas controlled by tribes continued to operate, holding persons subjected to tribal justice. Tribal leaders misused the prison system by placing "problem" tribesmen in private jails, sometimes simply rooms in a sheikh's house, either to punish them for noncriminal actions or to protect them from retaliation. Speakers of Parliament reportedly maintained a special section of one of the main government prisons in Sana'a for their own private prisoners. Persons often were detained in such circumstances for strictly personal or tribal reasons without trial, judicial sentencing, or other fundamental legal safeguards.

The Government claimed that the influx of prisoners and detainees due to internal conflict and antiterrorism arrests constrained its ability to improve conditions in prisons and detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the Government generally did not observe these prohibitions. Enforcement of the law was inconsistent, particularly in cases involving suspected security offenses.

Role of the Police and Security Apparatus.—The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the president. There was no clear definition of many of the NSB's duties, which have evolved from protecting the country from external threats to overlap with those of the PSO, which is domestically focused and charged with identifying and combating political crimes and acts of sabotage. The police Criminal Investigation Division reports to the MOI and conducted most criminal investigations and arrests. The Central Security Office, also a part of the MOI, maintains a paramilitary force the CSF, which was active in maintaining order in restive regions in the country and was often accused of using excessive force during crowd control; the CSO also maintains a Counter Terrorism Unit formed in 2003 to combat al-Qaida. Official impunity was a continuing problem.

Arrest Procedures and Treatment While in Detention.—The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons and that a detainee must be arraigned within 24 hours 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 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, throughout the year authorities arbitrarily arrested numerous southern demonstration leaders and persons with alleged connections to the Houthi movement and detained them for prolonged periods. According to HOOD several thousand individuals detained during the last Houthi war remained imprisoned without trial at year's end. They were not arrested on the battlefield, so the Government does not consider them "enemy combatants." In HOOD's opinion they would not be released as part of peace negotiations with the Houthis.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrests and to decline to answer questions without an attorney present, but 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. Tribal mediators reportedly settled almost all rural cases without reference to the formal court system.

Citizens regularly claimed security officials did not observe due process when arresting and detaining suspects and demonstrators. Some members of the security forces continued to arrest or detain persons for varying periods without charge, family notification, or hearings. Detainees were often unclear which investigating agency had arrested them, and the agencies frequently complicated determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The UN Committee against Torture expressed concern in its May 25 Concluding Observations report about the practice of hostage-taking, whereby the Government holds relatives of alleged criminals. For example, the committee noted the case of Muhammad al-Badani, abducted at the age of 14 in 2001 by a tribal chief for his father's failure to pay his debts, and who reportedly remained in a government prison at year's end.

Estimates of the number of persons arrested in arbitrary circumstances ranged broadly, as many detainees' names were not recorded, some detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year. Local NGOs estimated the number of individuals extrajudicially arrested during the year in connection with the northern Saada conflict to be between 100 and 200 persons and in connection with the southern protest movement to be approximately 650 (see section 1.g.). While the PSO was only a part of the system, HOOD recorded approximately 650 PSO extrajudicial detentions during the year in PSO facilities throughout the country.

From January to April, the National Security Court sentenced a number of prominent Southern Mobility Movement activists to extended terms after they were held without formal charges. Ahmed Muhammad Ba Mo'alim received a 12-year term on March 23, and Fadi Ba'um, Qasim Askar, Hussein al-Aqil, and Salh al-Saqladi received sentences ranging from three to five years in prison.

Although both denied it, the MOI and the PSO operated extrajudicial detention facilities, according to local and international NGO reports. Unauthorized private prisons and detention facilities also existed. One example was the private facility maintained by Sheikh Muhammad Ahmed al-Mansour in al-Djashen. Mansour reportedly detained without government review a significant number of al-Djashen residents for months at a time.

Members of the security forces continued to detain journalists for publishing articles the Government deemed controversial (see section 2.a.).

According to YODPRL the Government arbitrarily detained eight persons for human rights advocacy. One activist, Walid Sharafuddin, was arrested in 2009 on charges of supporting the Houthis and spying for Iran. His attorney alleged that the PSO tortured him during his detention. Sharafuddin did not receive a fair trial by year's end. During the year the Government also continued to detain suspects accused of links to terrorism, at times without due process. HOOD reported the Government held 150 terrorist suspects detained during the year, as well as 100 persons in Sana'a and Hudeidah who remained detained since being arrested in 2009 on suspicion of terrorist affiliation or activities.

Amnesty.—Following a May 22 general amnesty that President Saleh said would apply to "all outlaws," releases were made of detainees and prisoners from the conflicts in the North and South, as well as journalists.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but it was weak and not independent in practice, as corruption and executive branch interference severely hampered its operations. 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 Government's frequent reluctance to enforce court orders further undermined the integrity and efficiency of the judiciary. Members of the judiciary were threatened and harassed.

During the year the Specialized Criminal Court within the Ministry of Justice heard cases that were not security-related, despite its mandate to try persons charged with acts considered a "public danger," such as banditry and sabotage. The specialized criminal court reportedly does not provide defendants with the same rights provided in the regular courts. AI and local NGOs characterized specialized criminal courts as unconstitutional. Defense lawyers reportedly did not have full access to the charges against their clients or relevant government evidence and court files. YODRPL recorded 113 persons who received sentences before the special court during the year, 36 of whom received the death penalty. One person sentenced to death, Qabous Said al-Mazigi, was 15 years old at sentencing.

In May 2009 the Government for the first time established a press court, a special court to try media and publication cases. Trials of journalists and newspapers took place during the year. The court found most defendants guilty and suspended them from journalism for a number of months or assessed fines typically amounting to 50,000 riyals (approximately \$235). The court imposed the most severe sentences on Al-Masdar editor Samir Jubran (subsequently released after the May 22 amnesty) and journalist Munir al-Mawri, who received prison sentences and bans from practicing journalism (see section 2.a.). During the year the special court cleared its docket and reportedly no longer hears cases or issues rulings at the request of President Saleh.

The military justice system has jurisdiction over uniformed personnel and civil servants charged with violations of military regulations. Decisions of military tribunals may be appealed to the courts of appeal. Information on the existence of military tribunals separate from the military court system was not available.

Trial Procedures.—Laws are a mixture of Egyptian law, Napoleonic tradition, and Shari'a. The codified law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters (see section 6). By law, but not in practice, prosecutors are a part of the judiciary and independent of the Government. Prosecutors investigate criminal cases. The police generally were poorly trained and played a limited role in developing cases.

The security services (NSB, PSO, and MOI) continued to arrest, charge, and submit cases to the Prosecutor's Office of persons with alleged links to shootings, explosions, and other acts of violence, including terrorism. Citizens and human rights groups, especially in cases involving "political crimes" or the security services generally, alleged that the judiciary did not normally observe due process and extend the right to a fair trial to all citizens. Foreign litigants in commercial disputes complained of biased rulings.

The accused are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions "for reasons of public security or morals." There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present 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. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the Government to furnish attorneys for indigent defendants in serious criminal (felony) cases; in practice counsel was not always provided. All defendants, including women and minorities, have the right to appeal their sentences.

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 as court judgments. Persons tried under the tribal system usually had not been formally charged with a crime but had been publicly accused.

The law grants parliament exclusive jurisdiction over executive branch officials for crimes including bribery, interference, and embezzlement. No government official was investigated or tried under this law during the year.

Political Prisoners and Detainees.—During the year there was a decrease in the number of political prisoners and detainees related to the southern protest move-

ment and the conflict in Saada, where a ceasefire was announced on February 11 (see section 1.g.). Human rights organizations reported there were hundreds of political prisoners and detainees held during the year; many were arrested and released the same day, while others were held for weeks or months. In July the Government released more than 200 detainees associated with the southern movement after President Saleh issued a general amnesty. Confirmation of the number and assessment of the status of political prisoners or even detainees was difficult because the Government severely restricted or barred information and access by local or international humanitarian organizations, and the detainees were not publicly charged. For example, Ali al-Saqqaf, a campaigner for protection of the rights of detainees in the conflict in Saada and a member of the Yemeni Organization for Human Rights (YOHR), was detained in September 2009, was not charged, was denied access to legal counsel, and remained in custody of the PSO in Sana'a at year's end, according to the international NGO FrontLine.

Absent charges, it was difficult to determine whether detainees' actions had gone beyond advocacy and dissent to committing acts of violence. At year's end the Government held more than 100 prisoners in connection with the Saada conflict, according to HOOD, which also reported that approximately 100 other detainees with suspected links to AQAP remained in PSO prisons without charge.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, but there were limitations in practice. A provision in the civil code permits the president to review any judicial decision after receiving permission from the Supreme Judicial Committee, over which the president reportedly exerted significant influence. The provision was challenged in court but remained in effect at year's end.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such action, but PSO, NSB, and MOI personnel, claiming security reasons, routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. Human rights organizations claimed security forces undertook such activities without legally issued warrants or judicial supervision. The PSO and MOI rejected these claims. The PSO stated (that) its policies require the attorney general personally to authorize monitoring telephone calls and reading 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 two neighbors who serve as witnesses accompany officers on the search.

Throughout the year human rights activists and journalists reported receiving repeated threatening telephone calls day and night. Activists and journalists considered these calls to be attempts by authorities to intimidate them from speaking out about the Saada conflict and southern political discontent.

The law prohibits arrests or the serving of a subpoena between sundown and dawn, but persons suspected of crimes were reportedly 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 inconsistently enforced.

Security forces routinely detained relatives of fugitives as hostages until the suspect was located (see section 1.d.). In other cases detention of family members continued while the families negotiated compensation for the alleged wrongdoing. Families, tribesmen, and other nongovernmental interlocutors commonly used arbitration and mediation to settle such cases.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year the Government responded with excessive force to domestic political problems with the Houthis in the Northwest and with protesters and secessionists in the Southern Movement. At the same time, Islamic militants associated with AQAP terrorism directed violent attacks largely against government personnel and installations, exacerbating the political and security situation in the South.

The Houthis, a group of Zaydi Shia rebels intermittently in armed conflict since 2004 with the Government, called for greater resources and religious autonomy in Saada, along with a reduced government security force presence. The Government alleged the Houthis received support from Iran and sought to reestablish a separate Shia imamate.

In northern Saada Governorate another round of intense fighting started in August 2009 and lasted until the parties announced partially observed January 23, then February 11 cease-fires, followed by President Saleh officially declaring the war "over" in a March 19 television interview. Large-scale conflict erupted again in August-September and continued sporadically at low levels at year's end.

According to the NGO Human Rights Watch (HRW) and other humanitarian organizations, witnesses reported four separate air raids on September 16 in which government bombs killed almost 90 civilians, mostly women, children, and the elderly in Adl, near Harf Sufyan in Amran Governorate. On September 18, the Government announced a plan to investigate the deaths. By year's end no results of an investigation had been presented. Independent investigation into the shelling did not occur because of heightened insecurity in the region.

YODPRL recorded more than 20 forcible disappearances attributed to government forces during the year in connection with the fighting in Saada.

In fighting between government forces and Houthi rebels between August 2009 and February, international NGOs providing humanitarian assistance in Saada estimated more than 300,000 persons were displaced from their homes, then spreading across four northern governorates in search of aid (see section 2.d.).

There were reports during the year of the use by both sides of antipersonnel mines, including antitank and improvised mines, during the conflict in northern Saada Governorate between rebel forces led by Abdul-Malik al-Houthi and government troops. Houthi rebels actively interfered with government demining efforts.

The Government and local and international human rights organizations claimed that Houthis also committed human rights violations during the year. According to an August 2009 government report, Houthi abuses included unlawful killing, rape and sexual assault, looting and destruction of civilian property, and plunder and destruction of public buildings. Some human rights activists said Houthis used human shields and killed and threatened civilians who did not support them. Independent verification of these allegations was difficult because the Government and Houthi rebels blocked nearly all access to Saada during the year.

Although the law barred the use of underage soldiers, local and international human rights organizations reported that both Houthis and government-affiliated tribes deployed child soldiers into armed conflict during the latest round of fighting in Saada (see section 6). For a more detailed discussion, see the Department of State's Trafficking in Persons Report at www.state.gov/g/tip.

There was also serious conflict in the South. In response to a growing southern protest movement that began peacefully with sit-ins in 2007, security forces killed at least 20 protesters and injured 87 in the southern governorates in the first six months of the year, according to AI. In the course of the year, security forces killed dozens of persons and injured hundreds of others in a series of increasingly violent demonstrations in Dhale, Lahj, Aden, Abyan, and Hadramout governorates.

In March the military, the CSF, and other security services launched a security operation in the city of Dhale, killing three persons, injuring 44, arresting 81 others, and destroying 57 houses. More than 100 families were displaced. Local and international human rights observers noted the Government and local media outlets conflated the issues of the southern movement and al-Qaida, making it difficult to assess the goals and targets of such operations.

During the year the Government launched mass preemptive arrest campaigns across the southern governorates and used excessive force to disperse demonstrations that sometimes involved tens of thousands of protesters. The Government arrested hundreds of southerners during the year, including members of opposition political parties, academics, members of parliament, journalists, and human rights activists. Some were released after a few hours of detention, and others remained in jail at year's end.

Media and local NGOs reported that during August and September, government military forces bombed and shelled civilian areas in the southern governorates of Abyan and Shabwa. According to the Government, the shelling was an attack on members of Al-Qaida in the Arabian Peninsula.

Terrorist activity increased during the year. For example, on June 19, the intelligence headquarters in the city of Aden was attacked; the attack killed at least 11 persons. According to press reports, AQAP asserted responsibility for the attack, claiming it killed at least 24 persons. On July 14, suspected al-Qaida militants attacked the intelligence headquarters in Zinjibar in the southern governorate of Abyan. Using heavy machine guns and rocket-propelled grenades, they killed at least 10 persons and wounded 13 others, according to press reports. On August 28, AQAP claimed responsibility for an attack on a checkpoint near Jaar in Abyan that killed eight soldiers and a civilian government employee.

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. On May 3, the international NGO Reporters Without Borders severely criticized President Saleh for creating the press court and for

harassing and prosecuting a dozen journalists in an attempt to limit coverage of the conflicts in the North and South.

The Government attempted to impede criticism, such as by using government informers to monitor meetings and assemblies. During the year—especially in the northern governorates of Sana'a, Amran, and Saada—there were reports that the Government monitored their speech and removed Houthi Zaydi imams from their positions in mosques.

The Government limited press freedom, censoring and banning media outlets, which operated with restrictions. The 1990 Press and Publication Law criminalizes criticism of the person of the head of state, although not necessarily “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 security apparatus, including the NSB and elements of the military, threatened and harassed journalists to influence media coverage. Journalists and publishers regularly practiced self-censorship.

The press law specifies newspapers and magazines must apply annually to the Government for licensing renewal and must show continuing evidence of 700,000 riyals (\$3,286) in operating capital. There were reports authorities made the registration process bureaucratically difficult for opposition figures or organizations, while progovernment or tribal newspapers received licenses quickly. Three independent newspapers owned their own presses; no papers associated with political opposition groups did.

Harassment of journalists who reported on the southern protest movement and the Saada conflict continued during the year. The Government attempted to prevent details of the Saada conflict from becoming public knowledge. Measures included forbidding journalists and humanitarian workers from going to the conflict zone, disconnecting all but a select number of cell phone numbers in the governorate, warning journalists not to report on the conflict, and arresting persons who transmitted information about what they had seen or who could have such information because they had recently left the area.

The Government continued to shut down newspapers during the year. For example, independent Aden-based newspaper Al-Tariq, barred from publication on February 21, was allowed to resume publication on March 4 after its staff reported receiving warnings from the Government to moderate its content. On March 14, the Government shut down Taiz's only independent newspaper, the weekly Hadiith al-Medina, and ordered the Government-owned Jamhurriya printing press in Taiz—the city's only press—to stop printing Hadiith al-Medina until further notice. The newspaper remained closed at year's end. On March 24, authorities released Hisham Bashraheel, editor of Aden-based independent newspaper al-Ayyam, which has been suspended from publication since May 2009. Bashraheel had been detained since a January 4 exchange of gunfire at al-Ayyam's offices. The elderly Bashraheel was in poor health even before his arrest, and authorities cited “health reasons” for his release.

On March 26, authorities released opposition writer Mohammad al-Maqaleh, arrested in September 2009 for criticizing military actions resulting in civilian casualties in the Saada war. His release closely followed statements by the Yemen Socialist Party and Yemen Journalists Syndicate alleging that he was being tortured in custody, and a March 24 segment on Al Jazeera that showed Maqaleh's daughters pleading for his release. Official media cited “health reasons” for Maqaleh's release, and he went directly from PSO custody to a hospital in Sana'a. Unknown persons reportedly had abducted Al-Maqaleh on the street in Sana'a and held him incommunicado for five months in PSO custody without charges or appearance before judicial authorities.

Physical attacks against journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. On July 11, al-Baidha's governor Muhammad al-Amry ordered Majed Karout, an al-Masdar correspondent in al-Baidha Governorate, to stop writing articles criticizing the local government. Similar incidents of government threats or harassment against journalists were reported in Taiz and Aden during the summer.

On May 22, President Saleh released four journalists who had cases before courts or court rulings on public rights to mark the 20th anniversary of the country's unification, according to the Defense Ministry's 26sep.net news Web site. Subsequently, a number of prominent journalists were released, including Hussein al-Laswas, sentenced to a year's imprisonment on May 2 for “defamation of a public official” for his reporting on government corruption and editor of the independent newspaper al-Tajdeed, and Hussein al-Aqel, a writer and Aden University lecturer. The Government also lifted the ban on al-Masdar's editor Samir Jubran from working as a jour-

nalist. The special press court dropped proceedings against 33 journalists. Taiz Governor Hamoud Khaled al-Soufi in announcing the president's decision stated the action was subject to their "putting their pens in the service of their country and helping to consolidate national unity," according to press reports.

During the year independent newspapers published statements by exiled southern leaders in which government security forces in the South were described as "occupation forces" and President Saleh was described as "the tyrant." On August 3, quasi-independent news Web site Mareb Press cited statements by exiled Houthi leader and Member of Parliament Yahya al-Houthi boasting that Houthi rebels had the strength to invade President Saleh's home area of Sanhan in Sana'a Governorate.

At times customs officials confiscated foreign publications they regarded as pornographic or objectionable due to religious or political content. During the year there were reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

The Government selected items for news broadcasts and rarely permitted broadcasts critical of the Government. The Government televised parliamentary debates and occasionally permitted broadcasts including aggressive criticism of ministries. 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.

On March 11, government security forces entered without warrant the Sana'a offices of Al Jazeera and Al Arabiyya and seized the satellite television stations' broadcasting equipment. The Government claimed that the equipment was not properly licensed and that the seizure was in accordance with the law. The equipment was returned on March 18 following a presidential directive.

The Government required that book authors obtain certification from the Ministry of Culture (MOC) for publication and submit copies to the ministry. Publishers sometimes refused to deal with an author who had not obtained certification. The MOC approved most books, but long delays were frequent. Both the ministry and the PSO monitored and sometimes removed books from stores. A ban continued on publishers distributing books that espoused Zaydi Shia 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 sites it deemed immoral. During the year the Government reportedly blocked for extended periods a number of independent and opposition news Web sites, such as al-Shura.net and Ishtiraki.net and the Web sites of independent newspapers al-Ayyam, al-Masdar, al-Tagheer, and al-Wasat. It also blocked Adenpress.com, a Web site that covered the southern demonstrations, and it allegedly blocked and changed content on Yemenhurra.net, a Web site that covered the Saada conflict.

Physical attacks against Internet journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. Awadh Kashmiim, a journalist from Seiyun in Hadramaut Governorate, was detained by the PSO for 15 days in April for publishing "separatist" articles on his independent news Web site Hadramaut Press. Kashmiim claimed to continue to receive death threats from security officials.

Several Internet journalists benefitted from the president's May 22 decision to halt press law cases and release detained and imprisoned journalists: Fuad Rashed, editor of opposition news Web site Mukalla Press, Salah al-Saqladi, editor of opposition news Web site Khaleej Aden, and Muhammad al-Rabeedi, a blogger critical of the Government.

In November 2009 hackers attacked the leading independent news Web site NewsYemen, causing the site to crash and erasing its five-year news archive. The Web site's editor blamed the Government, citing evidence the virus that destroyed the Web site originated in a ministry office.

In June the country had an estimated 420,000 Internet users (1.8 percent penetration). Many could not afford the Internet or were unfamiliar with the equipment and services needed to access it. Internet access was available from homes or Internet cafes in major urban areas.

The Government limited the Internet content its citizens could access through commercially available filtering technology and control of its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, via the Ministry of Telecommunications and Information Technology. Human rights organizations and other NGOs complained the Government restricted what journalists wrote and how citizens used the Internet through a variety of intimidation tactics.

Academic Freedom and Cultural Events.—The Government restricted academic freedom, purportedly to prevent 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 forums. PSO representatives had permanent offices on the campuses. Human rights NGOs reported that government informers monitored the activities of professors and students, especially those who were allegedly affiliated with opposition parties. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of the ruling GPC party.

Authorities intermittently enforced a ban on new student associations at Sana'a University. Opposition sources contended authorities did not enforce this regulation against GPC-affiliated organizations.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, requiring a permit for demonstrations that the Government issues routinely. However, the Government limited this right in practice. The Government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence.

For example, on May 26, security forces in Mukullah prevented a demonstration called to support detained journalist Foud Rashed; they detained and questioned dozens of protesters. On October 6, military personnel attempting to break up a sit-in for press freedom in Sana'a physically abused journalist and human rights advocate Tawakul Karman and other activists. The military took demonstrators' banners and broke cameras. On October 22, police arrested 20 persons in Taiz when they attempted to hold a demonstration calling for increased development for the region. The Government said the protesters did not have the appropriate permit. On November 30, police banned demonstrations by the southern protest movement marking the United Kingdom's 1967 withdrawal from the southern part of the country. The Government said it imposed the ban after two northerners were killed while traveling through the South in the days before the scheduled protests. Police arrested hundreds of persons planning to participate in the demonstrations.

The southern protest movement that began in 2007 with a group of retired military and civilian officials of the People's Democratic Republic of Yemen grew during the year into a widespread political coalition across the southern governorates. The expanded movement continued to grow increasingly vocal in its calls for secession from the central government in Sana'a and organized dozens of relatively peaceful demonstrations in support of its cause. In response the Government conducted mass arrest campaigns before and during demonstrations organized by the southern protest movement and fired on demonstrators frequently throughout the year. The Government claimed that it was responding to violent acts on the part of some demonstrators.

Freedom of Association.—The law provides for freedom of association, and the Government nominally respected this right in practice, but the ruling party retained control of professional associations through subsidies and by influencing internal elections. 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 the country's more than 6,000 civil society organizations, including human rights NGOs, according to the MOHR. All registered associations were by law provided with an annual stipend, although in past years some organizations such as the Yemeni Journalists Syndicate said they did not receive their government stipends.

c. Freedom of Religion.—For a description of religious freedom, see the Department of State's 2010 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 with some restrictions. The Government limited the movement of women, foreign tourists, and other foreigners. The two latter groups were required to obtain government permission before leaving the country. The Government also restricted domestic travel by refusing to issue travel permits to conflict areas, and the army and security forces maintained checkpoints on major roads. 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 IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, the Government was not always cooperative with the UNHCR regarding migrants, and the UNHCR was often not allowed to conduct refugee status determinations for Ethiopians and Eritreans, which often resulted in their forcible deportation.

In certain areas armed tribesmen frequently operated their own checkpoints, sometimes with military or other security officials; they often subjected travelers to physical harassment, extortion, or theft.

According to the law, government officials required women to have the permission of a male relative before applying for a passport or leaving the country. A women's rights NGO asserted that a husband or a male relative could bar a woman from leaving the country and that authorities strictly enforced this requirement when women traveled with children. During the year authorities reportedly turned back several women at the airport because they did not have the permission of a male relative.

Security officials at government checkpoints often required immigrants and refugees traveling within the country to show they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents.

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 illegally residing in the country. The Government claimed these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government required foreigners to register with police or immigration authorities within one month of arrival.

Internally Displaced Persons (IDPs).—The sixth round of fighting in the six-year conflict in Saada between the Government and Houthi rebels broke out in August 2009, diminished after the February 11 cease-fire, but continued throughout the year at lower levels as Houthi forces clashed with progovernment tribes.

In October UNHCR representatives reported they had identified and registered more than 329,000 IDPs in the North who were displaced as a result of the fighting (see section 1.g.). The majority of IDPs lived outside of camps, but approximately 15 percent were located in camps in the four northern governorates of Saada, Hajja, Amran, and Al Jawf.

By year's end the February cease-fire had not resulted in sufficiently improved security conditions in many of the affected areas to permit the safe and voluntary return of displaced persons. Fighting continued for a second year in and around Saada City, traditionally a gathering point for IDPs from the governorate's rural areas, and elsewhere in the North. Scattered land mines and unexploded ordnance, threats against returnees, and a lack of confidence that a long-term period of stability was at hand also contributed to continued displacement. According to the special representative of the UN secretary-general on the human rights of IDPs, Walter Kaelin, other obstacles to return included the extensive destruction of houses and other infrastructure, loss of livestock and livelihoods, and lack of basic services. Humanitarian organizations continued to be denied access to many areas to assist potential returnees in rebuilding their livelihoods.

Inaccessibility of certain districts of Saada, Al Jawf, and parts of Amran governorates prevented humanitarian assistance from reaching all IDPs. At times both the Government and Houthi rebels limited access to the region, preventing food, medical supplies, and other assistance from reaching IDPs. During his April 4-10 visit, the special representative spoke of "good cooperation" between the Government and the UN in averting a disaster with IDPs during the armed conflict. Nonetheless, humanitarian organizations' access to IDPs remained problematic through the end of the year because of the general security situation and government restrictions.

Most IDPs lived outside official camps wherever they could find shelter in scattered settlements, including with host families and relatives in communities or under trees and bridges and in school buildings. Journalists reported many IDPs were starving and lacked basic requirements such as clean water, food, and medicine. Surveys completed by the World Food Program and other international organizations in the North found elevated rates of acute malnutrition in displaced and other vulnerable children. The UNHCR reported that schools in some areas of the North remained closed as of October and that many children did not attend school, with girls' registration often half that of boys'.

In October the UNHCR reported that only an estimated 16,000 IDPs had voluntarily returned to their areas of origin. There were no reports that the Government

had attacked or forcibly returned IDPs. The Government committed to the rebuilding of Saada and other areas affected by the conflict as part of the cease-fire agreement and to encouraging safe and voluntary returns, but progress was minimal. The majority of IDPs were not likely to reintegrate into their host communities, although some may choose to do so. In general IDPs did not want to return to their areas of origin, and safe and voluntary returns were not possible because of security risks, lack of infrastructure or services, and mines and other unexploded ordnance.

There were reports of brief displacements in the South as a result of fighting between the Government and al-Qaida from August to October. Small-scale displacement occurred primarily in Shabwa and Abyan governorates and was largely temporary. Government troops attempted to protect citizens from the fighting by encouraging them to leave towns before large campaigns against AQAP began. The UNHCR, Yemeni Red Crescent Society, government, and other organizations provided assistance to the displaced, who usually stayed with host families or in public buildings until fighting had ceased.

Protection of Refugees.—The Government does not have a national law addressing the granting of refugee status or asylum, and the Government has not established a system for providing protection to refugees. In February President Saleh issued a decree making it possible to begin work on the legislation to establish a Bureau of Refugees and on the drafting of national refugee legislation.

In practice the Government occasionally provided protection against the expulsion or return of persons to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The Government continued to grant *prima facie* refugee status to Somalis who arrived in the country after 1991. Non-Somali asylum seekers must undergo an individual refugee status determination conducted by the UNHCR, as the Government has no ability to conduct refugee status determinations on its own. The Government did not consistently allow the UNHCR to perform refugee status determinations for non-Somalis. An estimated 3,500 Ethiopians were recognized as refugees, but Ethiopians and Eritreans fleeing persecution and/or conflict did not receive *prima facie* status. The majority of Ethiopian and Eritrean asylum seekers were detained, generally without UNHCR access, and deported as economic migrants. During the year an estimated 53,000 migrants from the Horn of Africa made the treacherous journey across the Gulf of Aden to Yemen in search of asylum or economic opportunity. Proper screening was therefore necessary to identify asylum seekers from the massive mixed-migratory flow. The UNHCR was unsuccessful in convincing the Government to do proper screening and registration of these asylum seekers.

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, although there were some reports of deportations. There were reports that authorities denied some Iraqis readmission into the country, blocking them from reuniting with their families.

Generally, authorities allowed refugees to work and travel freely within the country, although refugees faced some difficulties. The vast majority of refugees lived in urban areas, while approximately 14,000 resided in the Kharaz camp. There were isolated reports of refugees refused employment or passage at checkpoints. However, such refusals reportedly were due to lack of legal documentation rather than refugee status. Refugee children attended local schools, although facilities were limited and could not meet the demand in full.

In 2005 the Government and the UNHCR signed a memorandum of understanding to establish six registration centers to register and provide greater legal protection to refugees. The UNHCR operated three reception centers in the South, the newest of which opened in 2008. The replacement of the head of the security force reduced harassment and abuse by security forces at a Somali refugee camp. Some potential asylum seekers were imprisoned while their status determinations were pending with the UNHCR, which had uneven access to these refugees; authorities generally released refugees 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, but there were limitations in practice, particularly concerning the fairness of elections. The president, who has been in office since 1978, held almost total decision-making authority. The president appoints the prime minister, who presides over a 35-member cabinet chosen by the president. The last change in the composition of the cabinet occurred in May. In

practice the president, in association with the ruling GPC party, dominated the Government. The president can dissolve parliament, in which three parties were represented, and parliament was not an effective counterweight to the executive branch.

Elections and Political Participation.—Parliamentary elections scheduled for April 2009 were postponed for two years in an agreement the ruling GPC party and the coalition of six opposition parties, the Joint Meeting Parties (JMP), signed in February 2009 after the two sides failed to agree on electoral reform. As a result of this agreement, parliament officially voted in April to extend its current six-year term by two years in order to avoid violating the constitution. The JMP and GPC also agreed to engage in a national dialogue process to discuss implementing electoral reforms. The process was formalized in July, when 100 delegates each from the JMP and GPC began to meet in a joint committee. A 30-member steering subcommittee was formed, which established a 16-member outreach committee to incorporate delegates from underrepresented opposition groups, including the Houthis and members of the Southern Movement, protesters as well as secessionists. The JMP and GPC reached an impasse in November over the timing of elections and election reform and were unable to reach formal agreement by the end of the year.

In December 2009 the Government held hastily prepared by-elections for 12 vacant parliamentary seats, boycotted by the opposition JMP. The ruling GPC party won 10 seats, with two going to independent candidates.

In 2008 the local councils of each of the 21 governorates elected governors. The election of governors, whom the president previously appointed, was proposed as an important step toward the decentralization of power. The influence of the ruling party in the majority of local councils and a boycott by the opposition, however, resulted in continuing ruling party dominance.

Ali Abdullah Saleh won a seven-year term in the 2006 election, the country's second nationwide direct presidential race, securing 77 percent of the votes. JMP candidate Faisal bin Shamlan received 22 percent. The remaining three opposition and independent candidates had less than 1 percent each. According to the Supreme Council for Elections and Referenda (SCER), approximately 65 percent of eligible voters participated in the elections, and an estimated 42 percent of voters were female.

International and local observers widely viewed the SCER, which administers and monitors elections, as unfairly biased towards the ruling GPC. Opposition parties called for its recomposition, but the membership of the SCER remained heavily weighted toward the GPC at the end of the year.

International NGOs and the EU observer mission characterized the 2006 polling as an important and unprecedented step in the country's democratic development. In its final postelection report, the EU mission noted that the GPC had an unfair electoral advantage because the state put significant resources at the disposal of GPC candidates for use during their campaigns. Opposition parties, while noting 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.

As reported by NGOs, poorly trained administrative staff, registration of a large number of underage and dead voters, and interference by security officials marred the 2006 voter registration process. The JMP refused to participate in the process due to allegations of SCER bias. The SCER therefore recruited voter registration staff on short notice and without meaningful training.

Opposition parties or local constituencies never received a searchable electronic copy of the registration list to enable them to verify voter lists before the election. There were reports the SCER mistakenly removed eligible voters from lists in several constituencies. Many constituencies were redistricted a month before the election with new boundaries widely viewed as favoring the ruling party. Ballots for the local council elections went uncounted in some constituencies or were not secured after the count.

Political parties could generally operate without restriction or outside interference. The law mandates that political parties be national organizations that cannot restrict their membership to a particular region, tribe, religious sect, class, or profession. The constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolutions," or violate the country's international commitments. The law further stipulates that each party have at least 75 founders and 2,500 members. 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. It controlled 238 of the 301 seats in parliament. Islah, the largest opposition party,

controlled 46 seats. Tribalism distorted political participation and influenced the central government's composition. Observers noted individuals often were selected to run for office or given jobs in particular ministries based on tribal affiliation. Because patriarchal systems dominate in tribal areas, some tribal leaders reportedly influenced tribal members' votes.

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 seized after the 1994 civil war.

In 2007 the Government dissolved the al-Haq Party for it having reportedly violated the law on political parties. Civil society observers claimed the Government abolished the party because of its affiliation with the Houthi rebels and for its appeal to Zaydi Shia. The leader of the al-Haq Party, Hassan Zaid, claimed that he received death threats in August because of his political activities.

Women voted and held office, but 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 two women in the cabinet, the minister of human rights and the minister of social affairs and labor. The SCER women's department, responsible for addressing gender equality in the electoral process, conducted informational campaigns prior to the 2006 elections on the importance and mechanism of voting. In the elections, 164 women competed in local and provincial councils, and 38 won seats. Women's rights activists and female parliamentary candidates accused the ruling party and authorities of rigging the 2006 elections against women.

Many members of the Akhdam community did not participate in the political process due to poverty and racial and social discrimination. There were no members of minority groups in parliament or the cabinet.

Section 4. Official Corruption and Government 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. Article 136 of the constitution states that a criminal investigation may not be conducted on a deputy minister or above without first securing a 1/5 approval vote in parliament. Subsequently, it requires a 2/3 parliamentary vote and presidential permission to bring the case to the general prosecutor for indictment, which in essence creates a separate legal system for the political elite. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem, and a perception of corruption in every branch and level of a government with weak state institutions was widespread. International observers presumed that government officials and parliamentarians benefited from insider arrangements and embezzlement. Leaders and governmental agencies took negligible action to combat corruption.

Corruption and impunity were serious problems throughout the military-security establishment and intelligence bureaucracy. There were no public governmental investigations of corruption in these areas 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. Enforcement of this right was inconsistent, and there were no effective investigations reported. The MOI had a fax line for citizens to file claims of abuse for investigation. It was unknown how many fax complaints the MOI received and how many it investigated.

Government procurement was regularly impacted by corruption. In 2007 the Government established the high tender board to review government tenders up to 213 million riyals (\$1,000,000) and assess them for legality. The board conducted training sessions for government officials during the year.

The Central Organization for Control and Audit (COCA) is the country's national auditing agency for public expenditures and investigative body for corruption. COCA presented its reports to parliament but did not make them publicly available. The president appointed its top officials. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in 1999. The actual extent of corruption was generally considered significantly greater than what was reported confidentially to parliament.

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC), formed in 2006, includes a council of government, civil society, and private sector representatives. In 2007 parliament elected 11 members to the SNACC, whose chairman and deputy chairman serve a two-and-a-half-year term, renewable once with SNACC consent, whereas regular SNACC members can serve only one five-year term. Each board serves only one five-year term, and the current board's term was scheduled to end in July 2012. Members manage sectors such as media, criminal investigations, and contracts. On July 28, the SNACC released a National Strategy for Combating Corruption.

During the year 498 complaints were investigated, with 200 individuals accused in 43 criminal cases referred to the Office of the General Prosecutor. There were seven criminal convictions. An additional 135 cases of failure of public officials to file asset declarations were referred to the Attorney General's Office. Approximately 200 government officials were trained in criminal justice sector best practices, and dedicated anticorruption prosecutors were placed within the SNACC.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, is part of a network of parliamentarians organized to combat corruption and was founded in 2006 to fight corruption by legislative branch action. Without any legal mandate, Yemen PAC monitored the activities of anticorruption institutions like the SNACC and provided limited, unofficial oversight for their activities. It also attempted to push anticorruption laws through parliament. During the year the group formed and worked with anticorruption networks across the country, including in Marib, Taiz, and Aden governorates, and established local monitoring and awareness committees.

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 that could ensure transparency. The law requires public disclosure of government officials' assets, and the SNACC worked to implement this requirement during the year. The Government provided limited information via the Internet which, despite few citizens having access to the Internet, remained accessible to media, international observers, and NGOs.

Section 5. 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, many investigating and publishing their findings on human rights cases with little constraint. NGOs reported government officials were sometimes uncooperative and unresponsive to their views. The law on associations and foundations regulates the formation and activities of NGOs. The law exempts NGOs from taxes and tariffs and requires the Government to provide a reason for denying an NGO registration, such as if it perceives an NGO's activities as detrimental to the state. It also requires that any organization have at least 41 members to continue operation and forbids them from being involved in political activities.

The law permits some foreign funding of NGOs and requires government observation of NGOs' internal elections. In 2008 the MOHR sponsored several initiatives to advance cooperation with local NGOs such as the Yemeni Women's Union and Violence Against Women.

Domestic human rights NGOs operated throughout the year. The NGO landscape was complex. The Government provides a stipend to all registered NGOs; however, some ministries reportedly harassed NGOs critical of the Government by denying their annual registration and subsidy. Progovernment NGOs received support from the ruling party and the Government as well, while others received support from opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, YOHR, the Democracy School, Media Women Forum, the Arab Sisters Forum for Human Rights, YODPRL, Seyaj, Shawthab Foundation, the National Organization for Developing Society, the Society for the Development of Women and Children, and the Women Journalists Without Chains (WJWC).

Some NGOs limited their activities to avoid negative government attention. Some ministries reportedly harassed NGOs critical of the Government by delaying the procedures required for annual registration and licensing and through bureaucratic funding criteria. Unlike in previous years, the MSAL registered HOOD for a five-month trial period in July. After many months of denials, authorities finally renewed WJWC's license in March. Both HOOD and WJWC frequently were critical of the Government. In 2009, after a two-year wait due to its criticism of the Government for limiting media freedom, the MSAL issued a temporary two-year license to the Arab Sisters Forum for Human Rights. The Government requires NGOs to reg-

ister annually or be declared illegal, but NGOs that were not granted licenses continued to operate during the year. In some instances the Government reportedly registered a progovernment clone version of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications must be resubmitted under a new name.

The Government monitored NGO finances. The Government reportedly used financial reviews as a pretext to harass or close NGOs. Some NGOs allegedly kept less than transparent records, a common practice in the country.

The Government provided AI, HRW, the EU parliament, and the Committee to Protect Journalists limited access to records, detention centers, and prisons. The ICRC maintained a resident office to inspect prisons during the year and resumed inspections of PSO prisons in July after suspending inspections in 2004 (see section 1.c.). The ICRC also carried out humanitarian missions in Saada to support displaced populations during the war. The ICRC, Islamic Relief Yemen, UNHCR, UN Children's Fund, UN World Food Program, and UN Food and Agriculture Organization provided humanitarian assistance to Saada's displaced population. The ICRC did not face governmental restrictions in providing humanitarian assistance, but because of the dangerous security situation in Saada, it was unable to respond to emergencies in an adequate manner. Other organizations reported significantly restricted access to conflict areas of Saada that hindered their ability to support the displaced population (see section 2.d.).

The MOHR attempted to raise awareness of human rights via public information campaigns, training of civil society organizations, and participation in numerous conferences in cooperation with NGOs. During the year the MOHR launched what it described as a major campaign to educate citizens about their rights under the law. The MOHR has a nationwide hotline to receive complaints about abuses of human rights but reported that the hotline did not receive any calls during the year due to cultural sensitivities. The MOHR also presented regular reports regarding its international commitments, such as a report on economic, social, and cultural rights and an antiviolenence report.

A Human Rights Committee in the legislature was one of the more vocal committees but rarely took action on real issues.

Section 6. 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. There was no specific discrimination based on social status with the exception of the Akhdam. Entrenched general societal and patriarchal attitudes limited women's access to equal rights.

Women.—The law criminalizes rape, although spousal rape is not criminalized because a woman may not refuse sexual relations with her husband. The Government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, the maximum sentence had never been imposed. There were no reliable statistics on the number of rapes. Most rape victims did not report the crime for fear of shaming the family and incurring violent retaliation. Rape victims often were prosecuted on charges of fornication after the perpetrator was freed. According to the law, if the accused does not confess, the defense must provide four female or two male witnesses to the crime. DNA technology was not available in criminal rape cases, and without witnesses cases were difficult to prosecute. Flagrant corruption often hindered investigation of rape cases. A leading local women's rights organization asserted that the judicial system failed to bring justice to victims of rape.

The law, rarely enforced, provides women with protection against violence, but there were no laws specifically prohibiting domestic violence, including spousal abuse. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to authorities) to intercede on her behalf or provide sanctuary to avoid publicizing the abuse and shaming the family.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a.

The media and women's rights activists continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with matters such as violence against women, increasing the political representation of women, and economic empowerment. The Ministry of

Information broadcast programs on official television and radio stations promoting women's rights during the year.

The penal code allows leniency for persons guilty of committing an honor crime, a violent assault, or killing committed against women for perceived immodest or defiant behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced early marriage. The law regarding violence against women states a convicted man should be executed for killing a woman. A husband who kills his wife and her lover may receive a maximum sentence of a fine or imprisonment for up to one year.

The MOI and PSO tolerated and unofficially facilitated sex tourism through corruption for financial and operational gain. Although no laws addressed sex tourism from outside the country, it was a problem, particularly in Aden and Sana'a.

The extent, as well as a legal definition within the local context, of sexual harassment was difficult to determine, although direct observation and very infrequent media reports suggested it occurred both in the workplace and in the streets. There are no specific laws prohibiting sexual harassment.

There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. However, societal pressure, a lack of women's education, and the young age of marriage for many women and girls meant that many women in reality had little control over reproduction. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions were freely available in cities, although contraception, obstetric care, and postpartum care were too costly for much of the population. Most women gave birth at home without skilled attendance and did not see a doctor during their pregnancies or after delivery. According to statistics compiled by international organizations, there were approximately 210 maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding women's equal diagnosis and treatment of sexually transmitted infections, including HIV.

Social custom and local interpretation of Shari'a discriminated significantly against women in family law, property law, and in the judicial system.

Men were permitted to take as many as four wives. A husband may divorce a wife without justifying the action in court. Under the formal court system, a woman has the legal right to divorce, but she must provide a justification, and there were practical, social, and financial considerations that impeded women from obtaining a divorce. However, in some regions under tribal customary law, a woman has the right to divorce without justification.

Some interpretations of Shari'a prohibit a Muslim woman from marrying a non-Muslim man. 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 residency permit.

According to an 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." A close male relative has the authority to approve her travel (see section 2.d.).

Women faced discrimination under family law and inheritance law. Courts awarded custody of children when they attained a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband's family. In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Under Shari'a inheritance laws, daughters receive half the inheritance awarded to their brothers.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. Shari'a discriminates against women in calculating accidental death or injury compensation where women receive 50 percent of what men receive. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf; however, they have the option to speak for themselves.

Women experienced economic discrimination. The law stipulates women are equal to men in employment rights, but women's rights activists and NGOs reported that discrimination was a common practice in the public and private sectors.

Governmental 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 and in cooperation with the MSAL, established projects aimed at providing protection against violence for women and children.

Children.—Children born to at least one citizen parent are eligible to receive citizenship. Children born in the country who do not have a citizen father, or a citizen mother and a noncitizen father that dies or abandons a child, are eligible to file for citizenship, but the Government rarely granted it. Children of foreign parents who did not receive citizenship were sometimes excluded from receiving government services, including education.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. Hospitals maintained official birth registries, but not all hospitals insisted on registration, and most children were not born in hospitals. Children must have birth certificates to register for school, but this requirement was not universally enforced. There were no reports of services being denied to children based on lack of registration.

The law provides for universal, compulsory, and tuition-free education from age six to 15; however, compulsory attendance was not enforced, and books and school uniforms raised the cost of attendance to approximately 2,000 riyals (\$9.40) 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, but many children, especially girls, did not attend primary school. Secondary and postsecondary attendance for girls was less as well.

The law provides for free medical care for children who hold citizenship; however, this was not always enforced. Male children received preferential treatment and had better health and survival rates.

The law does not define or prohibit child abuse, and there was no reliable data on its extent.

The law prohibits female genital mutilation (FGM), but it was a pervasive practice in the coastal areas on infants less than 40 days old. 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 Hudeidah. 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 girls were married as young as age eight. A February 2009 law setting the minimum age for marriage at age 17 was repealed. According to a 2009 MSAL study, a quarter of all girls were married before they were 15 years old. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. An Oxfam International study calculated that among 1,495 couples, 52 percent of women and 7 percent of men were married at an early age. The report also highlighted that 15-16 years was generally considered the appropriate age of marriage for girls, 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.

Media reports highlighted the problem of child marriage in the country. On April 2, three days after being married to a 23-year-old man, 12-year-old Elham Mahdi died from internal bleeding following intercourse. There were reports that underage citizen girls worked as prostitutes in major cities, particularly in Aden and Sana'a.

There was no law defining statutory rape and no legal limits placed on the age for consensual sex. The law prohibits pornography, including child pornography.

Reports of child soldiers increased in a number of armed conflicts across the country. According to the NGO Small Arms Survey, direct involvement in combat killed or injured hundreds of children annually.

The intermittent conflict in Saada, which resumed in August 2009 and ended in February, reportedly drew underage soldiers fighting for the Government and the rebel Houthis (see section 1.g.). The Houthis reportedly used children as runners between groups of fighters as well as to carry supplies and explosives, according to local children's rights NGO Seyaj. The use of child soldiers was forbidden by law, and the Government opposed the practice as a matter of policy. However, tribes the Government armed and financed to fight alongside the regular army used children in combat, according to reports by international NGOs such as Save the Children.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result half of the tribal fighters

in such conflicts were children who had volunteered to demonstrate their tribal allegiance, according to international and local human rights NGOs.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Government's stated policy was to protect the country's Jewish community. However, social pressure excluded Jewish citizens, who numbered fewer than 250, from certain occupations. They are not eligible to serve in the military or federal government.

In October two packages containing explosives were sent as cargo on an airplane from the country addressed to former synagogues in the United States; Al Qaida in the Arabian Peninsula took credit for the mailing.

During the year a cleric resident in the country blogged and released online videos that included the vilification of Jews. According to a foreign NGO, in at least one video, he claimed that Jews had "a hidden agenda" and had infiltrated every government in the world.

A December 19 cartoon in the newspaper Al-Jamhurriya represented a stereotypic individual wearing a hat with a Star of David and sucking on a straw, the caption of which read "Jew sucks dry Palestinian identity."

In 2008 an explosive device was thrown at a Jewish home. The Government appeared unwilling or unable to increase security for the remaining Jewish population; perpetrators of violence against the community generally went unpunished.

The historic Saada community of 45 Jews, relocated to Sana'a in 2007 after a follower of the Houthis threatened it, remained under government protection in Sana'a. In 2008 a group of men ransacked and destroyed two homes in Saada Governorate that belonged to a member of the Jewish community living in Sana'a. The attack was believed to have been the work of Houthi rebels.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. No national law mandates accessibility of buildings, information, and communications for persons with disabilities.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.

Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the MOHR, nurses and doctors watched the inmates. In some instances authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the Red Crescent semi-autonomous units for prisoners with mental disabilities; conditions in these units reportedly were deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

The MSAL is responsible for protecting the rights of persons with disabilities. 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 supported more than 60 NGOs to assist persons with disabilities.

By law 5 percent of government jobs should be reserved for persons with disabilities, and the 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 were implemented.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2-5 percent of the population) was a problem. They generally lived in poverty and endured persistent social discrimination. According to a March 2009 study by the NGO Save the Children, the Akhdam community, a small ethnic minority descended from East Africans, was the social group most vulnerable to discrimination. The Government's social fund for development provided basic services to assist them.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual activity is a crime punishable by death under the country's interpretation of Islamic law. Due to the illegality and severe punishment applicable, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, phys-

ical violence, or harassment based on sexual orientation, and there was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, largely because, since the activity was illegal, LGBT issues were not considered relevant. Few if any LGBT residents were open about their orientation or identity because of strong, hostile societal pressure.

Other Societal Violence or Discrimination.—There was no societal violence or public reports of discrimination against persons with HIV/AIDS; however, the topic was socially sensitive and not discussed publicly.

Section 7. Worker Rights

a. The Right of Association.—The laws provide workers the right to form and join unions, except for the armed and other security forces and those holding high-level posts in the public sector, civil associations, cooperatives, and professional unions established under different laws than the Trade Union Law; however, the laws were not effectively implemented, and this right was restricted in practice with workers and unions facing many impediments in implementation, administration, and networking. The right to strike was also severely restricted, and the Government interfered in union activities.

Although not required by law, in practice all 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 2007 elections. Each union had its own bylaws that organize its internal affairs, including elections. However, bylaws issued by the (MSAL require that union elections take place at least every three years, with MSAL officials present as witnesses. The GFTUY denied any association with the Government; however, it is the only official federation, acts as an umbrella organization for all unions, and works closely with the Government to resolve labor disputes through negotiation.

The labor law provides unions with the right to strike only if prior attempts at negotiation and arbitration fail; workers exercised this right by conducting legal strikes.

Political parties tried to place allies in union leadership positions to advance party interests, which resulted in division among workers and weakened associative action by unions and professional associations. In some instances political parties attempted to control professional associations by influencing internal elections or placing their own personnel, usually tied to the Government, in positions of influence in unions and professional associations. For example, there were two distinct teachers' unions during the year; one was tied to the ruling GPC party, and the other was linked to the opposition JMP coalition. The parties worked separately and sometimes at odds on matters affecting teachers.

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. In reality a union's ability to strike depended on its political strength and closeness to the ruling party. For example, the physicians and pharmacists' syndicate has never conducted a general strike, while the GPC-associated teachers' union successfully struck for a salary increase.

b. The Right to Organize and Bargain Collectively.—The labor law protects collective bargaining. The law provides workers who are not public servants as well as foreign workers, day laborers, and domestic servants the right to organize and bargain collectively without government interference. This group constitutes the majority of the workforce. The drivers' union conducts annual negotiations with the Government regarding rights and benefits. 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, although it has not exercised this power in recent years.

The law generally protects employees from antiunion 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. The majority of employers in the private sector register only five to 10 employees, which allows them to avoid many social security and labor union regulations. Fewer than 100,000 employees worked for companies with more than 100 employees, making it difficult for the vast majority of workers to enjoy union protection and benefits.

Employees may appeal any dispute, including cases of antiunion discrimination, to the MSAL. Employees also may take a case to the labor arbitration committee, which the MSAL chairs, composed of an employer representative and a GFTUY rep-

representative. Generally, all parties want to resolve cases via the committee system since court proceedings are costly and the system is often corrupt. National statistics on how many unionized employees used this system during the year were unavailable.

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, the Government did not effectively enforce such laws, and there were reports of such practices during the year. In some instances children were forced into domestic servitude and agricultural work, women were forced into domestic servitude or prostitution, and migrant workers were vulnerable to forced labor conditions. Children reportedly were trafficked from the country to work as child laborers in other countries, especially from the governorates of Hajja, Hudeidah, and Saada.

See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The child rights law prohibits child labor; however, the Government did not effectively implement the law.

The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit children between the ages of 12 and 15 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. Approximately 12 percent of children between the ages of six and 14 worked. In rural areas many children were required to work in subsistence farming due to family poverty. 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.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The child labor unit at the MSAL was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to extensive budget cuts, MSAL employees were unable to travel to conduct their work during the year.

Working children equaled 10 to 15 percent of the total work force. Approximately 52 percent of male children between the ages of 10 and 14 were in the workforce, compared to 48 percent of female children in the same age group. An estimated 83 percent of working children worked for their families (including street beggars), and 17 percent worked outside the family. According to the MSAL, small factories and shops employed children working outside the family. The Government partnered with the International Labor Organization to offer 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-sector workers and civil servants. Private-sector workers, especially skilled technicians, earned a 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 eight-hour workday; 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.

The 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. The 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 exposed to toxic industrial products regularly and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.

SOUTH AND CENTRAL ASIA

AFGHANISTAN

Afghanistan is an Islamic republic; population estimates range from 24 to 33 million. In August 2009, citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the Independent Electoral Commission (IEC) declared Hamid Karzai president for a second term. The elections were marred by serious allegations of widespread fraud. On September 18, citizens voted in parliamentary elections. Citizens who participated in the elections faced threats of insurgent violence; insurgents killed at least 30 people election day. The elections were marred by widespread electoral fraud and irregularities, including: a Taliban offensive to disrupt the elections through public threats, fear-mongering, and violence; low voter turnout; and insufficient conditions for the full participation by women. Subsequent to the election, President Karzai appointed a special tribunal to review and investigate election results, a measure with uncertain consequences for future elections. There were instances in which security forces acted independently of civilian control.

Human rights problems included extrajudicial killings; torture and other abuse; poor prison conditions; widespread official impunity; ineffective government investigations of abuses by local security forces; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption; violations of privacy rights; restrictions on freedom of the press; limits on freedom of assembly; restrictions on freedom of religion, including on religious conversions; limits on freedom of movement; official corruption; violence and societal discrimination against women; sexual abuse of children; abuses against minorities; trafficking in persons; abuse of worker rights; and child labor.

The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. The Taliban and other antigovernment elements continued to kill, threaten, rob, and attack villagers, foreigners, and nongovernmental organization (NGO) workers.

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 committed arbitrary or unlawful killings. For example, on February 6, Shamshad TV and Radio Azadi reported that Afghan Border Police mistakenly killed seven civilians who were collecting firewood near a checkpoint in the border town of Spin Boldak, Kandahar Province. Reports stated that the police officials involved in the shooting were taken into custody for interrogation. According to Human Rights Watch (HRW), in December 2009 Abdul Basir died as a result of abuse in a National Directorate of Security (NDS) detention facility. Although NDS authorities claimed that Basir committed suicide, small dark circles on his forehead, cuts on his back, bruising in several places, and a large cut on the shin were found on Basir's body.

According to Amnesty International (AI), operations by security forces resulted in an increase in civilian deaths during the first half of the year, as did operations by progovernment international forces (see section 1.g.). For example, according to the United Nations Assistance Mission in Afghanistan (UNAMA), 69 of the 223 civilian deaths during that period were caused by aerial attacks by the International Security Assistance Force (ISAF). HRW reported that timely and transparent inquiries or accountability for forces in the event of wrongdoing were often lacking when civilians were hurt or killed in night raids, airstrikes, or escalation of force incidents.

Politically targeted killings by the Taliban and other insurgent groups increased. For example, the Taliban claimed responsibility for killing three candidates during the campaign period between July and August: Sayedullah Sayed, Najibullah

Gulistani, and Haji Abdul Manan Noorzai. In August five campaign workers supporting Fauwzia Gilani in Herat were abducted and killed. There were also attacks on election officials. For example, in September insurgents killed two election staff in Balkh.

The Taliban and other insurgents also killed numerous civilians, both in attacks and through use of bombs (see section 1.g.). Taliban and insurgent attacks escalated in both number and complexity during the year. The media reported that the Taliban issued “night letters” threatening anyone who made peace with the Government, a charge Taliban spokesmen denied. Kabul continued to be a key terrorist target during the year, although violence occurred in many parts of the country.

There were numerous reports of summary justice by the Taliban resulting in extrajudicial executions. For example, on August 9, the Taliban publicly executed a woman, Sanam Bibi (also referred to as Bibi Sanubar), for adultery in the Qadis District of Badghis Province. After a staged public trial, local Taliban commander Mohammad Yousuf publicly lashed Sanam Bibi 200 times, then shot her in the head three times. The man who allegedly had an affair with Sanam Bibi was not punished because he paid a fine of 150,000 afghanis (approximately \$3,300). On August 15, the Taliban ordered a public execution by stoning in Kunduz Province, killing a young man and woman who had eloped. In October in Ghazni, the Taliban shot a woman to death for allegedly killing her mother-in-law.

Three persons were arrested, tried, and convicted for the November 2009 killing of Makhdom Abdullah, the provincial head of the Red Crescent Society in Takhar: one was sentenced to execution; the second was convicted and sentenced to 16 years in prison; and the third was convicted and sentenced to 10 years in prison.

According to Physicians for Human Rights, there were several known mass grave sites in the country, most notably outside the town of Shebergan in Jowzjan Province. On March 22, the media widely reported that a mass grave containing nearly 1,000 bodies was discovered in Jalalabad, Nangarhar Province. The Afghanistan Independent Human Rights Commission (AIHRC) reported that tampering with mass grave sites hampered independent investigations of the Jowzjan Province mass grave site, which allegedly contained the remains of 2,000 Taliban fighters killed during conflict in 2001.

There were no new developments regarding the September 2009 discovery of a mass grave in Kunduz Province or in Bamyan in October 2009.

b. Disappearance.—There were reports that insurgent groups and criminals were responsible for disappearances and abductions in connection with the ongoing insurgency (see section 1.g.). For example, in September, 28 election staff members were kidnapped in Baghlan.

Observers alleged that noninsurgency-related kidnapping was a form of dispute resolution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were reports of serious abuses by government officials, security forces, detention center authorities, and police. Nongovernmental organizations reported that security forces continued to use excessive force, including torturing and beating civilians.

Human rights organizations reported that local Ministry of Interior (MOI) and NDS detention center authorities tortured and abused detainees. Torture and abuse methods included, but were not limited to, beating by stick, scorching bar, or iron bar; flogging by cable; battering by rod; electric shock; deprivation of sleep, water, and food; abusive language; sexual humiliation; and rape. HRW received many reports of torture and mistreatment during interrogations by the NDS, including one case in December 2009 that resulted in death (see section 1.a.).

The Ministry of Women’s Affairs (MOWA) and NGOs reported that police raped female detainees. NGOs also reported that authorities raped women in prison. There were reports of the sexual abuse of boys by members of the Afghan National Police (ANP) and the Afghan National Army (ANA).

According to the AIHRC, Terre des Homme, and the UN Children’s Fund (UNICEF), many of the children in detention centers and orphanages suffered physical abuse. There were credible reports of cases in which authorities threatened and mistreated juvenile detainees.

There were no developments in the September 2009 arrest of three police officers in Dai Kundi Province for the rape of a 13-year-old girl.

There were reports of torture and other abuses by the Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban contacted newspapers and television stations in several such cases to claim responsibility.

Prison and Detention Center Conditions.—Prison conditions remained poor; however, the Government took some steps to improve conditions within the Ministry of Justice (MOJ) prisons and detention centers. Most prisons and detention centers, particularly MOJ detention centers, were decrepit, severely overcrowded, and unsanitary and fell well short of international standards. The AIHRC and other observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons. However, some observers have found the food and water to be sufficient throughout the Central Prison Directorate (CPD). The CPD has a nationwide program to feed prisoners, but on an extremely limited budget. Many prisoners' families supplement food and other necessary living items.

The AIHRC reported that many prisons and detention centers lacked potable water, adequate space, heating and cooling facilities, and adequate restrooms. Infirmaries, where they existed, were underequipped. Prisoners with contagious diseases and prisoners with mental illness rarely were separated from other prisoners; according to authorities this was for cultural reasons.

There were reports of abuse of persons in detention. For example, in December 2009 Abdul Basir reportedly died as a result of abuse in an NDS detention facility (see section 1.a.). According to NGOs, authorities also raped women in prison. There were 34 provincial prisons under MOJ/CPD control and 187 active MOJ detention facilities. The total number of active detention facilities reportedly fluctuated from month to month. There were 30 juvenile rehabilitation centers. The MOJ usually lacked sufficient detention facilities. No official information was available on the number of prisoners the NDS held or the number of facilities the NDS operated.

Authorities generally did not have the infrastructural capacity to separate pretrial and posttrial inmates. In November the CPD reported 4,764 male pretrial detainees, 12,953 male prisoners, 103 female detainees, and 463 female prisoners. In most instances limited infrastructure hindered housing prisoners by their classification, but where it was feasible the CPD separated them. Women were not imprisoned with men. In the two largest female prisons, the conditions and programs were better for women than men. Authorities generally did not have the infrastructural capacity to house juveniles according to the nature of the charges against them.

Under the law, children younger than age seven are allowed to (and often do) live in prison with their mothers who have been convicted of a crime. However, in Kabul this practice was reduced significantly under the direction of the CPD and in conjunction with the opening of a children's support center in the city. A children's support center in Kunduz for children over five years of age, whose mothers were in prison, was scheduled to open in March 2011.

The law provides prisoners with the right to leave prison for up to 20 days for visits; however, the AIHRC reported in 2009 that this right was not observed in most prisons.

On August 18, on the 91st anniversary of the country's independence, the president released 141 prisoners, including six women, and reduced the sentences of 239 prisoners. Between March and the end of the year, the CPD released an estimated 2,000 prisoners, and an estimated 5,000 prisoners had their sentences reduced as a result of presidential decrees.

There is an informal grievance procedure within the CPD. The MOJ, the attorney general, and some governors monitored or assessed prison conditions, although investigations and monitoring did not fully meet international standards. The MOJ and the MOJ permitted the AIHRC and UNICEF partners to visit correctional facilities operated by the two ministries. Security constraints occasionally prevented visits to some places of detention. Media reports indicated that the AIHRC did not have access to NDS facilities.

UNAMA observed significant operational improvements in conjunction with international support to train and mentor prison staff in the provinces. International observers noted that the MOJ and the CPD leadership were actively striving to improve staff working conditions and prisoner living conditions, with the goal of meeting the UN minimum standards for prisoners and detainees. This included drafting 49 standard operating procedures; beginning to implement a prisoner classification system; and beginning to implement the standard case management system.

In government detention facilities, observers reported that prisoners were permitted religious observance.

During the year the AIHRC received reports that private prisons existed in Dai Kundi and Kandahar Provinces but could not verify the reports, or the alleged number of prisoners, because AIHRC representatives could not visit the provinces due to lack of security. The AIHRC had reported in 2009 and earlier that private prisons existed and that it had successfully advocated for their closure and the release of their inmates.

NGOs reported that powerful local leaders and insurgents, including the Taliban, continued to operate private prisons. In some cases tribal leaders may have held persons accused of crimes in private detention. The AIHRC did not have access to prisoners and hostages detained by insurgents.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest or detention; however, both remained serious problems. According to a January UN report, many citizens were detained without enjoying essential procedural protections.

According to AI, hundreds of citizens continued to be arbitrarily detained, without clear legal authority and due process. Detainees handed over to the NDS reportedly were at risk of torture and other mistreatment, as well as unfair trials. AI's 2010 report stated that the NDS arrested and detained persons, including journalists, for acts deemed a risk to public or state security, which was vaguely defined in the law. Law enforcement officials also reportedly illegally detained—and in some cases tried—persons on charges not provided for in the penal code, related to matters such as family disputes and so-called moral crimes.

Role of the Police and Security Apparatus.—Three ministries have responsibility both in law and in practice for providing security in the country. The ANP, under the MOI, has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The ANA, under the Ministry of Defense, is responsible for external security. The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until the case is handed over to prosecutors. In some areas insurgents maintained considerable power as a result of the Government's failure to assert control. The ISAF remained a subordinate headquarters within the NATO command structure and continued to support development of the Afghan National Security Forces (ANSF).

Official impunity was pervasive. According to HRW, police generally enjoyed impunity after they were accused of killing civilians. Many observers believed that ANP personnel were largely unaware of their responsibilities and defendants' rights under the law.

There were reports in one province that police threatened to arrest entire villages if elders failed to produce a suspect for a crime. In the same province, observers reported that children were imprisoned for questionable violations of the law, in effect turning the juvenile criminal detention facility into a near "foster home." There were also reports that local police extorted a "tax" at checkpoints. According to Integrity Watch Afghanistan, police officials used the threat of jail or beatings to extort bribes from citizens.

International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the continuing implementation of the CPD staff prison reform and restructuring program. The international community worked with the Government to develop awareness and training programs, as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasized law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that every new police officer received limited training in human rights. Two officers were responsible for human rights reporting in each province. In Kabul 81 officers were responsible for human rights, an increase of 31 over 2009. A separate inspector general conducted investigations into internal police matters.

Nevertheless, human rights problems persisted. Violations of human rights and women's rights within the MOI (for example, sexual harassment) reportedly were not dealt with adequately. According to international experts and a civil society organization, the MOI Inspector General's Office charged with investigating internal police issues lacked the ability or the will to take the direct action needed in cases involving disciplinary problems among police, including sexual harassment charges.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; in many cases the ANP did not prevent or respond to the violence.

Arrest Procedures and Treatment While in Detention.—Arbitrary arrest and detention remained problems.

The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held without charge. The International Committee for the Red Cross, the AIHRC, and other observers reported that arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them. Police have the right to detain a suspect as long as 72 hours to complete a preliminary investigation. If they decide

to pursue a case, the file is transferred to the Attorney General's Office, which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days.

In practice many detainees did not benefit from any or all of these provisions, largely due to lack of resources. There is also a provision that upon request by defense counsel, the court shall release a detainee held over the 30-day period when an indictment is not filed. However, many detainees were held beyond 30 days, despite the lack of any indictment. Observers reported that prosecutors and police detained individuals on average for nine months without charging them, sometimes for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion.

In October 2009 all seven government entities involved in the criminal justice sector—the MOJ, Attorney General's Office, Supreme Court, MOI, NDS, Ministry of Defense, and High Office of Oversight—signed a memorandum of understanding to implement a standard case management system. The system provides for maintenance of uniform records on all inmates, thereby reducing opportunities for corruption through offers and demands for bribes to alter prisoner data. Information on 5,000 inmates, drawn from the 8,000 paper-based CPD files, was entered into the case management system by year's end. The CPD continued to enter the remaining data. As a result 128 inmates held beyond their sentences were released.

The media and human rights organizations reported arbitrary arrests in most provinces. According to AI, the NDS continued to arrest and detain suspects arbitrarily without allowing access to defense lawyers, families, courts, or other outside bodies, and incommunicado detention remained a problem. Prompt access to a lawyer was rare. While detainees were allowed access to their families, there were many cases in which such access was not prompt. Scores of detainees were subjected to torture and other mistreatment, including being whipped, exposed to extreme cold, and deprived of food. UNAMA reported that police detained individuals for moral crimes, breaches of contracts, family disputes, and to extract confessions. Observers reported that those detained for moral crimes were almost exclusively women.

There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common. According to a UNAMA report, in cases in which a prison sentence and a fine were handed down, impoverished prisoners sometimes remained in prison after their sentence had been completed.

According to the MOJ, 81 children were detained on national security-related charges in juvenile rehabilitation centers during the year; all were male, six younger than the age of 15. The juvenile code presumes children should not be held to the same standards as adults. The code states that the arrest of a child "should be a matter of last resort and should last for the shortest possible period."

Detained children typically were denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The juvenile code prohibits punishment of children, even for the purpose of correction or reprimand. The law states that police can only undertake initial inquiry, while the authority to review and conduct full investigations into a case against juveniles lies with the Special Court of Children and the Special Prosecution Office for Children. It is the responsibility of the prosecution to decide whether to refer such a case to court. The law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, the special juvenile courts functioned only in six large provinces (Kabul, Herat, Balkh, Kandahar, Jalalabad, and Kunduz). In provinces where special courts do not exist, children's cases fall under the ordinary courts. The law also mandates that children's cases be addressed in private and may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some of the children in the criminal justice system were victims rather than perpetrators of crime. Particularly in cases of sexual exploitation, perpetrators were seldom imprisoned, as cases were seldom prosecuted; some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children allegedly were imprisoned as a family proxy for the actual perpetrator.

"Zina," the term for adultery or fornication, is a criminal act under the penal code. In practice police and legal officials often charged women with intent to commit zina to justify their arrest and incarceration for social offenses such as running away

from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members. UNAMA reported cases of zina in nearly every province.

Authorities imprisoned some women for reporting crimes perpetrated against them and some as proxies serving as substitutes for their husbands or male relatives convicted of crimes. During the year the AIHRC received reports of men being arrested in place of a male relative when a suspect could not be located, on the assumption that the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violent retaliation by family members. Authorities also placed women who were victims of domestic violence in protective custody (including in a detention center), if there was no shelter facility available, to protect them from further abuse. Under the 2009 decree on the Elimination of Violence Against Women Act (EVAW), the police have the obligation to arrest those who abuse women; however, both the police and the courts were not yet fully familiar with the EVAW, and limited implementation occurred.

Authorities frequently did not rearrest defendants even after an appellate court convicted them in absentia. There was no bond system, although a rudimentary personal recognizance system was utilized in some areas where international observers monitored cases; authorities justified posttrial detention because defendants released pending appeal often disappeared.

Prosecutors did not exercise discretion in making decisions on charges. International mentors observed that prosecutors filed indictments in cases transferred to them by the police, even where there was a reasonable belief that no crime actually was committed.

There were 2,842 practicing prosecutors, compared with 963 in 2009; many of these lacked any formal legal training. According to the Afghan Bar Association, the total number of registered and licensed defense lawyers was 1,020 (of whom 200 were women), compared with 850 in 2009 (of whom only 80 were women). The MOJ had 82 legal aid providers in 16 provinces, compared with 50 providers in 13 provinces in 2009. According to the MOJ, as of year's end, 18,949 persons were detained in correctional facilities nationwide (compared with 14,857 in 2009), of whom 14,219 had been tried and convicted (compared with 10,593 in 2009); the remaining 4,730 were awaiting trial (compared with 4,264 in 2009).

The Criminal Law Reform Working Group, which included local legal experts and international rule-of-law advisors, completed its revision of the criminal procedure code in June 2009 and submitted it to the legislative drafting department of the MOJ for further consideration. The department did not respond to the Criminal Law Reform Working Group's recommendation by year's end.

Amnesty.—The Law on National Reconciliation and Amnesty, published in December 2009, grants amnesty to all persons engaged in conflict during the previous 25 years, up until the establishment of the interim administration, providing immunity from prosecution for serious violations of human rights, including war crimes and crimes against humanity.

The AIHRC stated that some members of the Taliban were released during the 2010 Peace Jirga and through presidential pardons under this law. In addition many alleged war criminals and human rights abusers remained in positions of power within the Government. Under the Afghan Peace and Reintegration Program (APRP), antigovernment elements were entitled to amnesty for political offenses if they agreed to live within the country's laws and renounced violence and terrorism. There is no legal framework for political amnesty and forgiveness of other crimes. In the absence of such a framework, the country was expected to continue to provide amnesty on an ad hoc basis to those who sought reintegration, subject to community vetting requirements. Hundreds of persons entered the APRP process by year's end.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary often was underfunded, understaffed, and subject to political influence and pervasive corruption. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality. The Counter Narcotics Tribunal in Kabul, whose members' salaries the international community supplemented and which worked within a secure compound, was an exception. International organizations reported no evidence of corruption or political influence involving its officials. Other courts administered justice unevenly, according to a mixture of codified law, Sharia (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 72 percent of the population lived. 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. Municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of Sharia, tribal codes of honor, or local custom.

The majority of judges were graduates of madrassas or had Sharia training. Very few judges were graduates of a law school. Lack of access to legal codes and statutes hindered judges and prosecutors.

There were widespread shortages of judges, primarily in insecure areas. The Supreme Court reported that there were an estimated 2,282 judges at the primary, appellate, and Supreme Court levels, including 120 female judges at year's end.

In areas not under government control, the Taliban enforced a parallel judicial system. The Taliban issued punishments including beatings, cutting off fingers, beheadings, hangings, and stonings. On March 9, the Taliban killed a man for allegedly spying. On July 20, the Taliban beheaded six ANP officers in Baghlan Province, timed to coincide with the Kabul Conference. In major cities courts primarily decided criminal cases, as mandated by law. Civil cases often were resolved in the informal system. Because of the unreliable formal legal system, in rural areas local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes; they also levied unsanctioned punishments. Some estimates suggested that 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. In many rural communities, there were no judges or prosecutors, only ANP or criminal investigation division officers. As a result legal issues were settled through tribal elders and the informal justice sector.

Trial Procedures.—Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence. In practice the courts typically convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were usually public. Judges decided all criminal trials, since there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was inconsistently applied, in part due to a severe shortage of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial, despite defense lawyers' requests. AI reported that trial proceedings fell below international standards, including not providing adequate time for the accused to prepare their defense, lack of legal representation, reliance on insufficient evidence or evidence gathered through torture and other mistreatment, and the denial of the defendant's right to call and examine witnesses.

When the accused is held in custody, the primary court must hear the trial within two months. The appellate court has two months to review the case of an incarcerated person. Either side may appeal; an accused defendant who is found innocent usually remains detained in the legal system until the case moves through all three levels of the judiciary: primary, appeals, and the Supreme Court. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which must decide the case of the defendant within five months. If the appellate deadlines are not met, the law requires that the accused be released from custody. In many cases courts did not meet these deadlines.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice ("baadh") 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.—The AIHRC stated that there were no reports that the Government held political prisoners or detainees.

There were reports that a number of tribal leaders, sometimes affiliated with the Government, held prisoners and detainees.

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 lack of capacity. Land disputes remained the most common civil dispute and were most often resolved through the informal justice system.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference in matters of privacy; 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. UNAMA reported that community members alleged theft of possessions during home searches the military conducted. UNAMA also reported that searches by members of the military or security officials involved conduct toward women that contravened local customs and angered local communities.

Authorities imprisoned men and women as substitutes for male relatives who were suspects or convicted criminals in order to induce those persons at large to surrender themselves (see section 1.d.).

The law provides for wiretapping in certain cases, as was done during investigations of bribery and corruption in the case of Mohammad Zia Salehi. Wiretapping was permitted to track money laundering and narcotics trafficking.

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 non-Muslim woman 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. These situations rarely occurred, however, as more than 99 percent of the population was Muslim. The courts registered marriages between non-Muslims, however.

g. Use of Excessive Force and Other Abuses in Internal Conflicts—Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. The security situation remained a problem during the year due to insurgent attacks. According to a December report of the UN secretary-general, civilians continued to bear the brunt of intensified armed conflict as civilian casualties, including death and injuries, increased by 20 percent in the first 10 months of the year, compared with the same period in 2009.

The large number of attacks by antigovernment elements limited the capability of the central government to protect human rights in many districts, especially in the south. Armed conflict intensified throughout the country, including previously unaffected areas. The marked deterioration in security posed a major challenge for the central government, hindering its ability to govern effectively, extend its influence, and deliver services, especially in rural areas.

Killings.—Although international forces revised their rules of engagement to minimize civilian casualties, government and progovernment forces were responsible for civilian casualties. The joint AIHRC/UNAMA 2010 Annual Report on the Protection of Citizens in Armed Conflict stated that there were 2,777 conflict-related deaths during the year, an increase of 15 percent from 2009. However, progovernment forces were responsible for 440 deaths or 16 percent of total civilian deaths, a decrease of 26 percent.

Airstrikes remained responsible for the largest percentage of civilian deaths caused by progovernment forces; UNAMA reported 171 civilians were killed between January and December. The AIHRC/UNAMA report stated civilian deaths caused by aerial attacks decreased 52 percent compared with in 2009.

There were several incidents of alleged misuse of force by progovernment forces. Operations by progovernment forces resulted in civilian casualties due to "escalation of force" incidents, in which civilians were injured or killed at military checkpoints or within the vicinity of military convoys. These incidents accounted for 45 civilian deaths. The second leading cause of death of civilians at the hands of progovernment forces was action taken during search and seizure operations; the AIHRC/UNAMA report stated that 80 civilians were killed during the year, which represented an 18 percent decline from 2009.

The MOI reported 1,286 civilians killed and 2,987 injured during the year. The AIHRC/UNAMA report documented 4,343 conflict-related civilian injuries, an increase of 22 percent from 2009. Antigovernment forces were responsible for 78 percent of the civilian injuries. Progovernment forces were responsible for 9 percent of the injuries. HRW reported that the third quarter of the year saw an increase in civilian casualties.

The AIHRC and UNAMA noted that antigovernment elements remained responsible for the largest proportion of civilian casualties, which rose 28 percent over the same period in 2009.

The Taliban and antigovernment elements continued to kill and attack villagers, foreigners, and NGO workers. The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. As in 2008 and 2009, suicide and improvised explosive device (IED) attacks killed more civilians than any other tactic, causing 1,141 deaths and 3,366 injuries during the year. Suicide attacks and IEDs accounted for 55 percent of all civilian deaths caused by antigovernment forces during the year.

Increases in insurgent attacks caused civilian casualties to rise. Persistent Taliban and antigovernment activity, interfactional fighting between regional warlords, and criminal activity resulted in hundreds of unlawful killings and civilian casualties.

HRW reported 2,135 civilian deaths in the first nine months of the year, an increase of more than 10 percent compared with the same period in 2009, largely due to increased insurgent attacks. The AIHRC and UNAMA stated that civilian casualties (including both deaths and injuries) numbered 7, 120. More than three quarters of all civilian casualties were linked to antigovernment elements.

The UN secretary-general reported that the Taliban and antigovernment forces were responsible for 76 percent of civilian casualties, for a total of 5,446, (including both deaths and injuries) during the year.

AIHRC and UNAMA stated in their annual report that antigovernment forces killed 462 civilians, an increase of 105 percent from 2009.

Insurgents targeted national and government officials, foreigners, and local NGO employees. There were numerous accounts of insurgent violence against the civilian population. The Ministry of Education (MOE) reported that 20 schools were attacked using explosives and arson between March and October and that insurgents killed 126 students. The UNAMA mid-year report stated that antigovernment forces attacked educational facilities and harassed and intimidated students and teachers. The Taliban denied responsibility for the attacks, but HRW reported evidence of night letters with Taliban insignia that threatened attacks against teachers and schools. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there were 13 attacks on girls' schools since April.

On July 18, Taliban leader Mullah Omar issued new rules of engagement, calling on Taliban commanders to capture or kill civilians working for foreign forces or the Government. This order represented a reversal of the May 2009 rules ("Jihadi Layeha," or "Regulations for Jihad"), to avoid targeting civilians. Whereas Jihadi Layeha was possibly issued in response to the ISAF's commitment to reduce civilian casualties, the new code of conduct amounted to battlefield guidelines for identifying targets, particularly those who cooperated with the Government.

On January 7, media sources reported that a suicide attack killed 10 persons and wounded 27 in Gardez, Paktia Province. On February 4, in Kandahar, a suicide bomb killed six persons and wounded approximately 20. On February 6, a motorcycle-borne suicide bomb in Helmand Province killed three persons, including one child, and wounded at least 30 others, including 17 children. On March 14, the Taliban killed 30 persons and wounded 53 in a series of blasts that included four suicide bombs and three car bomb explosions in Kandahar Province; the casualties included four Pakistani workers and at least seven police officers who were killed, along with eight officers injured. On April 3, a large suicide bomb attack in the Babaji area of Helmand Province killed 30 persons and injured more than 50. On June 21, the first reported suicide attack involving a woman occurred in Kunar Province; the Taliban took credit for this body-borne IED, which killed one person and injured 13, including nine children. On July 26, the Taliban attacked civilians in their cars in Parwan, killing seven members of one family and injuring five others.

There were no developments in the May 2009 killing of the mayor of Mehterlam city in Laghman, along with six civilians or in the July 2009 killing of Jan Mohamad, a candidate for provincial council in Kunduz. However, two persons were arrested in the case of the August 2009 killing of Qari Jan Gir, the head of the Justice Department of Kunduz. The Antiterrorism Office of the Kunduz Police Headquarters forwarded the cases to the provincial NDS office, which forwarded the cases and the suspects, to Kabul for further investigation.

Abductions.—The MOI reported 162 abductions during the year. The Afghanistan NGO Safety Office (ANSO) reported that insurgents and others kidnapped 19 aid workers during the year. In December the UN Secretary General reported 134 NGO staff members were abducted between June and the end of October. The AIHRC/UNAMA annual report for the year also stated that there was a total of 251 incidents of civilian abductions during the year, an 83 percent increase from 2009.

On August 16, according to the Bakhtar News Agency, the Taliban abducted a doctor in Baghlan Province. Insurgents abducted British aid worker Linda Norgrove in Kunar Province in September; she was killed during a rescue operation in early October. Also in September the Taliban kidnapped a parliamentary candidate and several other election workers and campaign workers (see section 1.b.).

There were no developments in the arrest of six suspects in the 2008 kidnapping of Humayun Shah Asifi, a relative of the late King Zahir Shah.

Physical Abuse, Punishment, and Torture.—Land mines and unexploded ordnance continued to cause deaths and injuries, restricted areas available for farming, and impeded the return of refugees. The Mine Action Coordination Center for Afghanistan reported that land mines and unexploded ordnance killed or injured an average of 40 persons each month. The MOE and NGOs conducted educational programs and mine awareness campaigns for more than one million persons, including women and children, throughout the country. At year's end land mines and unexploded ordnance imperiled 2,122 communities.

Child Soldiers.—Officially the Government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18. However, an April report by the UN secretary-general stated that children were recruited and used for military purposes by the ANSF, and especially the ANP.

UNAMA reported that progovernment militias, including the ANSF, recruited underage boys and sometimes sexually abused them in an environment of criminal impunity. Reports verified that some recruitment campaigns took place on school compounds. The AIHRC also stated that it received reports of child recruitment by progovernment militias in some provinces.

The UN secretary-general's April report also noted that children were recruited and used for military purposes by several antigovernment and insurgent groups, including the Haqqani network, Hezb-e-Islami Gulbuddin (HIG), the Taliban, the Tora Bora Front, and the Jamat Sunat al-Dawa Salafia.

Anecdotal evidence suggested that insurgent recruitment of underage soldiers was on the rise. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than age 18, in some cases as suicide bombers and human shields and in other cases to assist with their work. NGOs and UN agencies reported that the Taliban tricked children, promised them money, or forced them to become suicide bombers.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Other Conflict-Related Abuses.—The security environment had a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers.

During the year antigovernment elements continued to attack progovernment religious leaders. According to the MOI, the Taliban killed at least 37 clerics and committed at least two acts of violence inside mosques and other religious facilities.

The ANSO reported that attacks by armed opposition groups increased by 51 percent and that civilian casualty figures increased by 23 percent since 2009. The ANSO and the UN Office for the Coordination of Humanitarian Affairs also reported that the number of security incidents involving humanitarian aid workers appeared to show a general decline compared with 2009. The decline was ascribed to armed opposition groups' preoccupation with the February Marjah campaign in the south and the possibility that they were beginning to value the aid community.

Nonetheless, several high-profile incidents occurred. The most notable was on March 17, when two suicide bombers, one clad in a burqa, entered the International Relief and Development office in Helmand Province; police killed both men. On April 13, two men on motorbikes opened fire on a woman who worked at a local NGO and had been receiving threats for doing so. On April 15, two car bombings in the city of Kandahar left three persons dead and dozens wounded, including 10 foreigners; one of the car bombs was aimed at houses rented by contracting companies. On July 2, the Taliban stormed a contractors' compound in Kunduz, killing six persons and wounding 23. On August 5, 10 NGO health workers were killed in Badakhshan Province. Both the Taliban and HIG claimed responsibility, each stating that the victims were Christian missionaries trying to convert citizens, a claim the group denied; an investigation continued at year's end.

As in 2009 suspected Taliban members fired on NGO vehicles and attacked NGO offices, guest houses, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. The ANSO reported 126 security incidents involving NGOs and aid workers. NGOs reported that insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them.

The Taliban continued to distribute threatening messages in attempts to curtail government and development activities. In addition to threats against persons working for the Government or NGOs, the Taliban distributed night letters (death threats) and text messages warning citizens not to vote in the September 18 elections.

Insurgents regularly used civilians, including children as young as the age of three, as human shields, either by forcing them into the line of fire or by basing operations in civilian settings. UNAMA documented how insurgents deliberately deployed their forces in populated villages, with the intent of embarrassing international coalition forces and the Government and increasing civilian casualties from airstrikes.

In the south and east, the Taliban and other antigovernment elements frequently forced local residents to provide food and shelter to their fighters. The Taliban also continued to attack schools, radio stations, and government offices. In September the Taliban threatened to blow up a local music store if the owner did not close it.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government and others restricted these rights. Some media observers contended that individuals could not criticize the Government publicly without fear of reprisal. HRW reported that threats, violence, and intimidations were used regularly to silence opposition politicians, particularly those who spoke out about impunity, war crimes, government officials, or powerful figures. Government officials intimidated journalists in an effort to influence reporting. Media sources reported instances in which provincial officials attempted to regulate the media based on their personal interests.

HRW reported that there was widespread self-censorship as a result of the Government's repression of journalism it deemed critical. According to journalists many reporters exercised self-censorship by not asking substantive questions of government officials and by ignoring certain investigative stories. Powerful figures largely avoided media scrutiny. Members of the media reported that they did not interview Taliban commanders or leaders due to government pressure; police in Helmand Province jailed journalists for speaking to the Taliban. Some media observers considered it more difficult for journalists to operate in the areas of the country that the Government controlled than in Taliban-controlled areas.

On March 1, the NDS and the MOI banned live television coverage of ongoing insurgent attacks, ostensibly in an effort to protect reporters and restrict the flow of information to insurgents. Media outlets immediately complained to the Ministry of Information and Culture (MOIC), which convened a series of meetings with independent media, resulting in an agreement on the parameters of media coverage of security incidents.

On July 27, at the direction of President Karzai and the Council of Ministers, the MOIC banned Emrooz TV for "provoking religious differences and disrupting national unity." While the ban was largely regarded as positive due to Emrooz TV's widely perceived anti-Shia stance, media observers noted that the process violated due process because the Council of Ministers should have complained formally to the Media Complaints Commission. There was little public debate about the matter. On the same day, the MOIC also banned two game shows, Tolo TV's *Deal or No Deal* and One TV's *Del Wa Nadel*. Media observers widely regarded the ban on the game shows as unfounded and a capitulation to conservative opinion against gambling, as well as political cover designed to illustrate the lack of a ministerial agenda against any one channel or individual.

The Government banned a news Web site, Benawa, on September 10, reportedly for mistakenly reporting that Vice President Mohammed Qasim Fahim died, despite the fact that a correction was issued within 30 minutes. Benawa officials accused Information Minister Sayed Makhdum Rahin of issuing the ban in retaliation for stories previously published about him.

Violence against journalists continued. According to independent media and observers, a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely. Journalists increasingly were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments. According to Afghan Media Watch, violence against journalists decreased by 32 percent during the year. Afghan Media Watch registered 58 cases of violence against journalists and claimed that the Government was responsible for 22 of them.

Media sources reported that police detained journalists without cause. There was at least one report that an ANA soldier assaulted two journalists who were filming

a helicopter crash in Kabul on July 27. The Committee to Protect Journalists (CPJ) reported in September that journalist Hojatullah Mojadadi was arrested in Kapisa Province by the NDS. He was released a few days later without explanation.

Reporters without Borders reported that media regulatory bodies were “under the Government’s thumb.”

The Institute for War and Peace Reporting (IWPR) stated that broadcast media operated somewhat more freely than print media and that commercially viable stations experienced less government control than others.

Television broadcasts appeared to avoid some of the restrictions imposed on print journalism. Satirical programming was widespread; every private television station had at least one comedy-satire program that openly criticized government officials.

Some independent journalists and writers published magazines and newsletters, although circulation largely was confined to Kabul.

Newspaper readership has progressed significantly, from almost nil under Taliban rule. Newspapers tended to reflect more openly on domestic developments in comparison to broadcasters.

Prior to the September 18 elections, radio and television stations broadcast candidate debates, forums, and interviews. Several stations showed live coverage on election day. The Media Commission of the Independent Electoral Commission (IEC) did not find significant problems with candidate access to the media.

The mass media law contains content restrictions that prohibit works and materials contrary to the principles of Islam or other religions and sects; works that publicize religions other than Islam; works and materials considered defamatory, insulting, offensive, or libelous, or that may cause damage to a person’s personality or credibility; works and materials that are contrary to the constitution and penal code; disclosure of the identity and pictures of victims of violence and rape in a manner that damages their social dignity; and works and material that harm the psychological security and moral well-being of individuals, especially children and adolescents. The NGO Nai Media and the Afghan National Journalists Union reported that the MOIC failed to implement the law.

Conservative values remained a strong force, and some private stations angered conservative Islamic religious elements. As a result many media outlets were accused of carrying morally offensive material. Some of this criticism came from the Commission for Monitoring Media Misconduct, a body set up by the MOIC. The IWPR stated that Internet service providers were told to block thousands of Web sites that contained pornography or were linked to insurgent groups like the Taliban.

The constitution and the mass media law also cover foreign media; however, local power brokers sometimes restricted them from commenting negatively on Islam and from publishing materials considered a threat to the Government.

Despite these obstacles media sources and observers asserted that the country’s independent media continued to expand and became increasingly sophisticated. Independent media were active and reflected differing political views. Numerous international and local organizations provided regular training and mentoring for journalists.

The number of female journalists remained low. According to the IWPR, female reporters found it difficult to practice their profession because of the region’s conservative attitude. However, there were a few instances in which women oversaw radio stations across the country.

Factional authorities reportedly controlled media in some parts of the country. In addition, according to many media sources, private Iranian, Pakistani, and Gulf state citizens actively influenced the media, shaping it through both ownership and threats. There were allegations that Iran intimidated reporters in the western provinces to increase antigovernment reporting and decrease anti-Iranian articles.

According to independent media and observers, warlords, the drug mafia, foreign governments and individuals, and the Taliban and other insurgents harassed, intimidated, and threatened to commit violence against journalists. According to Afghan Media Watch, the Taliban were responsible for 12 cases of violence against journalists. The IWPR also reported intimidation by insurgent forces.

The Taliban manipulated the media, especially print journalism, both directly and indirectly, by threatening to harm some journalists physically and by directly feeding news to others. Some sources asserted that the media underreported reconstruction efforts, for example, as a result of Taliban pressure to shape local opinion. Journalists reported receiving threats of harm if they did not publish stories released on Taliban Web sites, if they published anti-Taliban stories, or if they published stories favorable to the Government.

The CPJ reported that local and foreign reporting teams continued to face a risk of kidnapping. In December 2009 the Taliban kidnapped French journalists Herve

Ghesquisre and Stephane Taponier, along with their Afghan translator, Mohammad Reza. In April the Taliban threatened to kill the two kidnapped journalists unless their demands were met; the two remained in Taliban custody at year's end.

Internet Freedom.—In general the Government did not restrict access to the Internet. However, on May 21, the MOIC banned access to all pornographic Web sites. The Government asked telecommunications providers to limit or ban access to online gambling and social dating Web sites, although the media reported that enforcement was weak and that citizens regularly could access pornographic and gambling sites. There were no reports that the Government monitored e-mail or Internet chat rooms. Some reports indicated that the Government increased its efforts to control independent online media through Internet Service Providers (ISPs). Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail messages.

The CPJ reported that government regulators were not fully able to enforce their rules. Government requests for Internet bans were made to private ISPs; filtering equipment was not reported as widely used. However, the owner of the Benawa Web site told the CPJ that his site was banned on 97 percent of ISP servers in the country after the Government issued a ban on the site. Later reporting by the CPJ indicated that the site came back online after the case drew widespread attention.

Lack of public infrastructure limited public access to the Internet; computer literacy and ownership rates were estimated at less than 10 percent of the population.

Academic Freedom and Cultural Events.—The Government restricted academic freedom by forbidding course content it deemed un-Islamic. The Mass Media Law states that academic research “shall be subject to prior approval of concerned ministries and institutions.” Educators at public universities stated that they censored themselves when discussing questions of ethnicity. It was not clear whether the self-censorship was due to fear of official sanctions or to societal pressure.

b. Freedom of Peaceful Assembly and Association—The constitution provides for freedom of assembly and association, and the Government generally respected these rights, although in some cases local officials restricted the right of free assembly.

Freedom of Assembly—A lack of physical security, as well as interference from local authorities and security forces, inhibited freedom of assembly in some areas of the country where security was poor.

There were numerous protests during the year, related to a variety of causes. Citizens frequently protested against civilian casualties allegedly caused by progovernment forces. Following the September 18 parliamentary elections, there were numerous generally peaceful protests of the election results.

On September 11, thousands of citizens protested in response to the plan announced by a cleric in another country to burn copies of the Qu’ran. Four demonstrators were seriously wounded when security forces opened fire as protesters attempted to storm several government buildings in Pul-e-Alam, Logar Province. On September 15, in Kabul media sources reported that demonstrators began throwing stones and shooting at security forces; police shot two demonstrators.

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 are not allowed. Antigovernment violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, the Government sometimes limited citizens’ movement for security reasons.

Taxi, truck, and bus drivers reported that security forces 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 the ANP and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan.

The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

Social custom limited women's freedom of movement without male consent or chaperone.

The law prohibits forced exile, and the Government did not use forced exile. The Government cooperated with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern but was limited by lack of infrastructure and capacity.

Internally Displaced Persons (IDPs)—The country continued to experience high levels of internal population movements, triggered by irregular labor conditions, large numbers of refugees who returned, poor service infrastructure in rural areas, military operations, and the volatile security situation in some parts of the country. Severe flooding in several provinces rendered families homeless.

As of December an estimated 351,907 persons were displaced, according to the UNHCR. Among these, 117,089 persons were recorded as displaced prior to December 2002 and were referred to as IDPs in protracted displacement. According to the UNHCR, 102,658 persons were displaced due to conflict during the year. The main areas in which conflict-induced displacement originated during the year were Helmand in the south, Badghis and Farah in the west, Faryab in the north, and Khost in the southeast. The displaced populations largely remained in their regions of origin. The key provinces that received IDPs, in order of the numbers displaced, were Helmand, Nangarhar, Herat, Kandahar, and Farah.

Local governments provided access to land for basic accommodation, while international organizations and the Afghan Red Crescent Society provided shelter, food, and other life-saving aid. However, the UNHCR reported that access to land and rights for returnees and IDPs was hampered by a weak judiciary. Some IDPs in protracted displacement established self-sufficient settlements in the Herat, Kandahar, Helmand, and Jalalabad areas.

Unverified populations, including IDPs and refugees who returned were also known to reside alongside urban slum dwellers in unauthorized informal settlements in the larger urban areas of Kabul, Jalalabad, Mazar-e-Sharif, and Herat. These settlements were prone to serious deficiencies in several areas, including health, education, security of tenure, and absence of registration of child births and identity cards.

The UNHCR reported that restricted access due to poor security limited its efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

In August flooding across the country displaced 200,000 persons. Local authorities, the Afghan National Disaster Management Authority, various government ministries, the Afghan Red Crescent Society, NGOs, UN agencies, and donor governments provided emergency assistance.

Protection of Refugees.—Laws do not provide for granting asylum or refugee status, and the Government has not established a system for providing protection to refugees. In accordance with an agreement among Afghanistan, Pakistan, and the UNHCR, repatriation must be voluntary.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular group, or political opinion.

The Government's capacity to absorb returned refugees remained low. The economic difficulties and security concerns discouraged numerous refugees from returning to the country, although returnees doubled compared with the previous year. Many refugees needed humanitarian assistance upon arrival. According to the AIHRC and the UNHCR, single women among refugee returnees and deportees were referred to a safe house until their families guaranteed their safety. The UNHCR referred 25 women to safe houses. Common types of extreme vulnerability, as defined by the UNHCR, included minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Returnees who came back due to flooding in Pakistan were also vulnerable.

During the year 112,917 refugees were repatriated voluntarily from Pakistan with UNHCR assistance, an increase from the 54,552 refugees repatriated in 2009. Approximately 2.6 million Afghan refugees lived in Pakistan and Iran during the year.

Iran continued to deport undocumented economic migrants back to Afghanistan.

Migration to and from Iran was mostly temporary and cyclical, with more than 400,000 adult males staying on average for 3.5 years without their families. According to the UN, remittances from Iran exceeded 25 billion afghanis (\$500 million) annually.

During the year Iran deported 286,662 undocumented Afghans, an 11 percent decrease compared with 2009, during which 322,008 Afghans were expelled from Iran, through the border points at Islam Qala, Herat Province, and Zaranj, Nimroz Province.

As of December an average of 785 Afghans were deported per day during the year. A total of 322,008 Afghans were deported from Iran in 2009, averaging 882 persons per day.

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 September parliamentary elections. In August 2009 citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the IEC declared Hamid Karzai president for a second term. Both elections were marked by serious allegations of widespread fraud.

Elections and Political Parties—Approximately 4.3 million citizens voted in the September 18 parliamentary elections. Elections were held amid significant security and logistical challenges, including a prolonged intimidation campaign waged by insurgents, which led to fewer polling stations being opened than in previous elections. The electoral institutions and security forces greatly improved the preparations for, and holding of, the elections as compared with 2009. Although the elections generally followed the constitutional process, they were marred by widespread fraud and corruption.

On November 25, Akhtar Mohammad, the former independent elections commission provincial elections officer for Nangarhar, was found guilty on charges of embezzlement and corruption and was sentenced to two years' imprisonment.

Citizens elected 249 members of the Wolesi Jirga, the lower house of the national assembly; 396 of the 2,510 candidates for the election were women, representing a significant increase in female candidate participation compared with the 2005 parliamentary elections.

International observers and civil society groups documented instances of fraud, including ballot stuffing, ghost polling stations, and some interference by staff of electoral bodies; fraud was especially notable in areas with high levels of insecurity and insufficient female electoral staff. While security arrangements were improved as compared to the 2009 election, it was still inadequate in many locations, and numerous irregularities occurred, including pervasive intimidation of voters, polling staff, and candidates, especially women. The IEC invalidated approximately 1.3 million votes during the tally process due to evidence of fraud at 2,543 polling stations identified through predetermined IEC triggers (for example, more than 600 votes at a polling station where only 600 ballots were allocated). According to the IEC, the final numbers for voter turnout could only be estimated as 4.27 million; approximately 23 percent of 5.6 million ballots cast were invalidated.

The Electoral Complaints Commission (ECC) received 4,557 complaints of electoral irregularities, leading to the disqualification of an additional 334 polling stations. In addition the ECC disqualified the votes for 24 candidates due to allegations of fraud. These disqualifications brought the total number of candidates excluded by the IEC and ECC, both pre and postelection, to 142. No comprehensive list of the 334 polling stations was made public, making it difficult to track the reason for ECC decisions and whether these decisions were implemented by the IEC. Limited transparency on the part of the IEC and ECC during the tally and adjudication process fueled the perception that political interference may have affected the invalidation process. In December President Karzai appointed, per the Supreme Court's recommendation, a special tribunal to investigate the election results and resolve complaints. The IEC expressed concern regarding the special tribunal's legitimacy under the law and stated that the tribunal's intervention in electoral affairs was in violation of the law. The special tribunal remained in place through year's end.

A total of 396 women ran for the 68 seats reserved for women. There were sufficient members to fill the seats reserved for women in each province.

Both under- and over-registration of women were reported. Women voted in separate polling stations from men, yet the lack of sufficient numbers of female election workers, including female searchers, hindered women's participation. There was a lack of provision of security by the Government for female candidates. At some voting sites, women were turned away due to lack of available female workers. There was evidence that men also voted by proxy on behalf of women in many cases, as occurred in 2009.

Insurgents targeted civilians and election officials in a campaign to disrupt the national elections. Insurgents killed 31 civilians, including 11 IEC officials, and in-

jured 50 in attacks on election day. Night letters and direct threats were reported countrywide, including the threat to cut off fingers marked with voting ink. Some schools identified as polling places received threatening letters.

As of November 21, the MOJ had accredited 33 political parties under a 2009 political parties law. However, very few parties were accredited in time for the September 18 elections, and very few of the candidates were shown to be affiliated with a party during the campaign. Political parties were not always able to conduct activities throughout the country, particularly in regions where antigovernment violence affected overall security.

The Pashtun ethnic group had more seats than any other ethnic group in both houses but did not have more than 50 percent of the seats. It lost seats in the September 18 lower house elections. There was no evidence that there were societal groups that were specifically excluded. Traditional society practices that limit women's participation in politics and activities outside the home community likely influenced the central government's composition.

Women active in public life faced disproportionate levels of threats and violence. Media sources reported that female parliamentary candidates were inundated with late-night threatening calls. Women were also the targets of attacks by the Taliban and other insurgent groups. Women who received threats often moved throughout the country to evade harassment. Most female members of parliament reportedly experienced some kind of threat or intimidation; many believed that the state could not or would not protect them.

Various antigovernment forces attacked female candidates. One provincial council member was seriously injured and her bodyguard killed in Baghlan Province in a drive-by shooting by unknown assailants. Other unknown individuals attacked a Gereshk District, Helmand Province community council member, who was also a provincial council candidate. The assailants killed her husband and abducted her. She was later released. In August campaign workers supporting a female candidate were killed (see section 1.a.).

In March media reported that the Taliban attacked the convoy of a female parliamentarian in the east of the country. According to the Free and Fair Election Foundation of Afghanistan, a female candidate in Ghor Province was forced under threat of violence to abandon her campaign and flee to Kabul.

Women represented approximately 21 percent of the delegates to the Consultative Peace Jirga. Nine women were appointed members of the High Peace Council established in September.

There were 69 female parliamentarians elected, one more than the required 68 minimum, and both seats in Nimroz Province were won by female candidates. There were 28 women in the Meshrano Jirga, the upper house of the national assembly. Three women served in the cabinet, heading the women's affairs; public health; and labor, social affairs, martyrs, and disabled ministries. No women served on the Supreme Court Council. There were 123 female judges, and 341 women served as staff.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained that they did not have equal access to local government jobs in provinces where they were in the minority.

Besides the Pashtuns, which have a majority in the country, all members of parliament and the legislature were members of ethnic minorities. The ethnic breakdown of the lower house of the national assembly included 39 percent Pashtuns, 28 percent Tajiks, 20 percent Hazaras, 7 percent Uzbeks, and 6 percent other minorities, according to the IEC certified results of the September 18 elections. As of July, 36 percent of the cabinet was Pashtun, 29 percent Tajik, 15 percent Uzbek, 11 percent Hazara, 3 percent Turkmen, 3 percent Arab, and another 3 percent unknown.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 64 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. Some members of parliament disagreed with this allotment, arguing that under the constitution all groups were to be treated equally. In the upper house, the president appoints one-third of the members, including two members with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

Section 4. Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The Government had limited success in bringing corruption cases, especially in cases involving low- and mid-level officials. More cases were opened against high-level officials, but successful prosecutions and convictions were rare, although they occurred. The progress made in initiating and

prosecuting high-level corruption cases was due in large part to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

Corruption was endemic throughout society, and the massive flows of money from the military, international donors, and the drug trade exacerbated the problem. Prisoners and local NGOs reported that corruption was widespread across the justice system, particularly in relation to the prosecution of criminal cases and “buying” release from prison. There were also numerous reports of money being paid to reduce prison sentences, halt an investigation, or have charges dismissed outright. In July the administrative head of President Karzai’s National Security Office was arrested on the basis of an investigation by the anticorruption task force. Mohammad Zia Salehi was arrested by the Attorney General’s Office and charged with soliciting bribes. Due to direct intervention by President Karzai, however, Salehi was freed within hours.

Allegations of corruption surfaced around the Kabul Bank, the country’s largest private financial institution. The media reported that the bank’s top two directors were forced to resign and the chairman ordered to surrender \$160 million worth of luxury villas bought with bank funds in Dubai.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. Observers reported that ANP officers often had to pay money to the MOI to secure promotions. A lack of political accountability and low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries. Salaries for the police, investigators, and judges increased significantly; however, the pay for prosecutors remained very low. The process of pay and grade reform for prosecutors made only slight progress during the year. Police mentors addressed problems of corruption among police and justice officials at provincial and district levels.

Credible sources, including detainees, reported that local police in many parts of the country extorted a “tax” and inflicted violence at police checkpoints. Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Police abuses generally declined following international police training efforts. Observers alleged that the high acquittal rate in courts reflected the lack of training of judges, poor investigations, lack of evidence, and possible bribes to legal officials. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice.

The Government made efforts to combat corruption in the security apparatus. Before the September 18 elections, the MOI trained and deployed provincial inspectors general (IGs) to investigate election-related claims against the police; however, they remained on duty after the election as general purpose IG officers. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued. The MOI continued to obtain training for its IG office.

The High Office of Oversight (HOO), which is intended to play the role of watchdog, introduced two programs that could provide a means to constrain corruption, if implemented effectively. The publication of asset declarations by senior government officials, if verified, could provide much needed transparency to the activities of senior officials. The HOO received asset declarations from 1,900 senior officials, including all ministers and governors. However, it published only 78 in a limited distribution official newspaper, and it did no external verification of the declarations. Nonetheless, the World Bank reported that in some cases the published declarations provided a basis for serious questions about the assets and sources of funds of government officials. The HOO also opened a hotline for those who wanted to report corruption. Through September the hotline received 149 complaints, including 24 regarding corruption. During the year the HOO turned over to the Attorney General’s Office 13 cases for investigation and possible prosecution.

The Government made electronic direct deposits of police and military salaries, making pay a more transparent and accountable process and less subject to corruption.

Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations 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 in handling requests for information. Lack of government capacity also severely restricted access to information. On July 18, civil society groups launched a campaign demand-

ing access to government information, arguing that access to information was a basic human right acknowledged in the constitution.

Section 5. 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 somewhat cooperative and responsive to their views.

The lack of security and instability in parts of the country severely reduced NGO activities. Insurgent groups and the Taliban directly targeted NGOs during the year (see section 1.g.).

The constitutionally mandated AIHRC continued to address human rights problems and operated without government interference or funding. The AIHRC was effective in drawing attention to major human rights problems, publishing numerous reports on a range of topics.

President Hamid Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006; however, the Government did not take any affirmative action in support of transitional justice.

Three parliamentary committees deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns. During the year these committees vetted several draft laws that went before parliament.

Section 6. 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. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

Women.—Pursuant to the constitution, the 2009 Shia Personal Status Law governs family and marital issues for the 20 percent of the population who are Shia. Some groups hailed the law for officially recognizing the Shiite minority; however, the law was controversial both domestically and internationally due to its failure to promote gender equality. Articles in the law of particular concern include minimum age of marriage, polygamy, right of inheritance, right of self-determination, freedom of movement, sexual obligations, and guardianship.

The EVAW law criminalizes violence against women, including rape, battery, or beating; forced or underage marriage; “baahd” (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. The law specifically punishes rape with life imprisonment, and if the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law punishes the “violation of chastity of a woman. that does not result in adultery (such as touching)” with imprisonment of up to seven years. Under the law rape does not include spousal rape. Sharia law, as interpreted in the local context and influenced by tribal customs, although uncoded, impeded successful prosecution of rape cases. Under one interpretation of Sharia, local tribal elders or religious leaders may treat rape as a form of adultery, punishable by stoning to death or 100 lashes (see section 1.a.). Under some interpretations of Sharia, a woman who brings a charge of rape sometimes must produce four witnesses to prove that the rape occurred as a result of force. The law was seen as only a small step forward due to lack of sufficient implementation.

Accused men often claimed the victim agreed to consensual sex, which resulted in an adultery charge against the victim. The MOI reported 60 cases of rape during the year, and the AIHRC reported 60 cases between January and September; the actual number of cases was probably much higher. The MOI reported 99 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned. According to NGOs, authorities raped women in prison.

On February 27, Kunduz police arrested a man in connection with the alleged rape of two women in the northern district of Imam Saheb. The women alleged that they were raped in December 2009 by five members of a local militia. Although the women reported the case to the police five days later, police in Imam Saheb did not conduct a thorough investigation. After the case received national attention, the

Ministry of Interior sent a team to Kunduz to investigate. Kunduz police then reopened the case and arrested a suspect, with warrants outstanding for others.

On March 2, Tolo TV and Ariana TV reported that a local mullah of a mosque raped a 13-year-old girl and married another underage girl in Dai Kundi Province.

The 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 police and justice systems. HRW reported that 87.2 percent of women had experienced at least one form of physical, sexual, or psychological violence or forced marriage in their lifetimes. Many elements of society tolerated and practiced violence against women. Killing and assault against women commonly involved family members as suspects. Women widely reported that they were victims of violence, especially sexual violence. The wide range of violence against women included honor killings, the exchange of women for dispute resolution, trafficking and abduction, early and forced marriages, and domestic violence.

Police response to domestic violence was limited, a result of the crimes never being reported, sympathetic attitudes towards perpetrators, and limited protection for victims, even as witnesses to a serious crime. Generally police and judicial officials were not aware or convinced that rape was a serious criminal offense; therefore, investigating a rape case was rarely a priority.

NGOs that ran women's shelters in Kabul reported an increase in referrals from police, possibly reflecting improved ANP training and awareness. Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, killings, or suicides of women. If cases came to court, the accused often were exonerated or punished lightly. NGOs confirmed that domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Most domestic violence cases involved beating women and children. In some cases men reportedly burned their wives in an attempt to mimic self-immolation.

AI reported that NGOs were the only entities that defended most female victims, as the Government-funded defense attorneys mainly assisted men. According to the MOJ, neither Ghor, Badghis, nor Farah provinces had domestic violence prosecutors; the penal code does not differentiate between domestic violence and battery. Most provinces reported only one or two domestic violence prosecutions per year.

Women sometimes resorted to self-immolation when they believed there was no escape from their situations. During the first nine months of the year, the AIHRC documented 111 cases of self-immolation, compared with 86 cases in 2009. Other organizations reported an overall increase during the past two years. On July 31, Faizullah Kakar, presidential advisor on health, reported that an estimated 2,400 women committed suicide every year because of depression resulting from fears and concerns over the continued conflicts; forced and underage marriages, including "baahd" to a rival tribe or family; domestic violence, including violence from in-laws; and sexual violence. Kakar estimated that 28 percent of women between the ages of 15 and 35 suffered from depression and psychological problems.

Policewomen trained to help victims of domestic violence complained that they were instructed not to reach out to victims but to wait for victims to come to police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted, and many women could not travel to police stations alone. UNAMA reported that police leadership often did not provide female officers with equipment or vehicles to do outside investigations. The 42 family response units (29 in Kabul, seven in Mazar, four in Kunduz, two in Bamyan, and three opening in Jalalabad) were staffed primarily by female police officers who addressed violence and crimes against women, children, and families. Women serving in civilian and ANP positions in the MOI offered mediation and resources to prevent future domestic violence.

There were 11 formal women's shelters across the country run by NGOs, and five informal shelters or referral centers run by NGOs or MOWA. The MOWA and other agencies referred women to the formal shelters, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. The MOWA reported receiving two to three new domestic violence victims a month; however, space at the formal shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

According to a December UNAMA report, "unaccompanied" women were not accepted in society, so women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women compelled to stay in a shelter was compounded by the societal attitude toward shelters, linked to the belief that "running away from home" was a serious violation of social mores. The

misapprehension that safe houses were a safe haven for immoral women forced them to operate nearly clandestinely and in a precarious security situation. In lieu of relying on shelters, girls who sought to escape violence at home were reportedly sometimes “married” or “engaged” to older men as a means of providing them with safety; observers noted that officials across the justice sector promoted and accepted this practice. During the year Emrooz TV broadcast programs claiming that shelters were brothels, which civil society activists and women’s rights groups argued to be baseless accusations. During the year Nasto Naderi, a television journalist, produced a series of comments accusing shelters of carrying out activities violating Islamic law. He did not provide proof of these claims.

Religious organizations in some provinces reinforced the social unacceptability of women travelling or even leaving home without a male family member or other approved escort. One religious leader said that travel without a “mahram,” or unmarriageable relative, raised “questions about a woman’s piety.” The Ulama Council for the Western Region issued a declaration that women traveling a distance of greater than 54 miles from home must be accompanied by a chaperone and forbidding female employees of foreign organizations from working alone in a room with a foreign man. For example, on July 8, the Pajhwok News Agency reported that the provincial Ulama council in Badakhshan issued a resolution asking all women not to leave their homes without a male member of their family.

Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was particularly acute in rural areas and villages.

Denial of educational opportunities, limited employment options, and continuing security threats continued to impede the ability of many women to improve their situation, despite the progress women in urban areas made toward access to public life, education, health care, and employment. According to UNAMA, there was an increase in violence against women working in the public sector. There were no developments in the case of Sitara Achakzai, an outspoken human rights defender and local councilor in Kandahar, who was killed in April 2009.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, forced prostitution, exchange of girls to settle disputes, kidnappings, and honor killings. Cultural prohibitions on free travel and leaving the home unaccompanied by a male relative meant that many women could not work outside the home and often could not receive access to education, health care, police protection, and other social services.

Bibi Aisha, the 16-year-old woman from Uruzgan Province whose husband and in-laws cut off her nose and ears in September 2009 because she had brought shame to the family by running away after years of domestic violence, received plastic surgery at a facility abroad. Media reported the father-in-law’s arrest.

Extended family violence was reportedly widespread. For example, on March 31, the former Kunar director of women’s affairs and her husband were sentenced to death following a public trial for the January 21 murder of their daughter-in-law. Their son—the victim’s husband—was also convicted and sentenced to two years in prison. Doctors who evaluated the body testified that the daughter-in-law was beaten and tortured.

There were no developments in the case of the 16-year-old whose mother-in-law doused her in gasoline and set her on fire in November 2009.

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.

According to HRW and UN Women, more than 70 percent of marriages were forced, and despite laws banning the practice, a majority of brides were younger than the legal marriage age of 16 (or 15 with a guardian and a court’s approval). According to the UN High Commissioner for Human Rights, only 5 percent of marriages were registered, leaving forced marriages outside legal control. The AIHRC recorded 28 cases from January to September of women given to another family for baahd, to settle disputes or as a debt settlement, although a presidential decree outlawed the practice. The unreported number was likely much higher. IRIN, the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, reported that drug smugglers often demanded young brides when farmers failed to produce opium and lacked other means to repay their loans. In a practice known as “badal,” a brother and a sister are married to another pair of siblings to avoid any payment having to be made.

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 to escape domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi Prison after fleeing abusive forced marriages.

Due to the early marriage age, some women become widows in their 20s and 30s. Since widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who might already have a wife; the late husband's family seized any property he left.

The AIHRC documented 44 "honor killings" throughout the first nine months of the year; however, the unreported number was believed to be much higher. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment.

Temporary marriages lasted from one day to a few months, in exchange for a dowry. Many observers considered "temporary marriages" a form of prostitution.

There is no law specifically prohibiting sexual harassment.

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, but family and community pressures to reproduce, the high prevalence of child marriages, and lack of accurate biological knowledge limited their ability to do so. Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and through provincial hospitals. Men and women were diagnosed and treated equally for sexually transmitted infections, including HIV, when health care was available.

NGOs reported that sexually transmitted diseases were widespread and typically went undiagnosed, since most persons suffered from numerous untreated medical conditions. According to UN estimates, there were approximately 1,400 deaths per 100,000 live births in the country in 2008. Only 24 percent of births had skilled attendants present, and only 36 percent of women received professional prenatal care. Early marriage and early pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Lack of skilled care during childbirth and lack of obstetric and postpartum care were key causes of maternal mortality. The number of trained midwives increased from 268 in 2002 to 2,685 during the year. There was a 15 percent contraceptive prevalence rate.

Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local practices were discriminatory toward women, and in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on an interpretation of Sharia and tribal customs, 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 that the Government intervened informally with local courts to encourage them to interpret laws in ways favorable to women.

The MOWA and NGOs continued to promote women's rights and freedoms. According to UN Women, women made up 26 percent of government employees. 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. The provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

Women and children were overwhelmingly the victims of preventable deaths due to illness. Women constituted 68 percent of those infected with tuberculosis. Additionally, of the 25,000 citizens who died from tuberculosis each year, 16,000 were women. Many households could afford neither the cost of health care nor transport to health-care facilities, and many women were not permitted to travel to health facilities on their own. Observers reported that 60 percent of the population had access to primary health-care centers within two hours' walking distance from their homes, an increase from 9 percent in 2002.

According to reports in the British medical journal *The Lancet*, both adults and children suffered from a broad spectrum of mental health problems, including depression, anxiety, and posttraumatic stress related to widespread social suffering and domestic violence, as well as acts of war.

According to Save the Children, although there was some diversity in household decision-making practices throughout the country, women generally exercised little decision-making authority regarding marriage, timing of pregnancies, birthing practices, and child education. Informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women covered their heads.

Women face discrimination in access to or terms of employment and occupation.

Children.—Citizenship is transmitted by a citizen father to his child. Birth in the country or to a citizen mother alone is not sufficient.

Education is mandatory up to the secondary level (four years for primary school and three years for secondary), and the law provides for free education up to and including the college level.

Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. Although the rate of secondary school for boys was 10 times the rate for girls, boys could be legally identifiable as “heads of household” as young as age 15, and many boys were forced to leave school to work.

Due to insecurity, inadequate facilities, poor quality of education, severe shortages of female teachers, early and forced marriages, the perceived need for girls to work at home, and cultural pressures, the status of girls and women in education remained a matter of concern. According to UNICEF more than two million girls were enrolled in grades one through 12. Most of the five million children who were estimated not to attend school were girls. According to the MOE, they were deprived education for economic reasons, security problems (especially in the southern provinces), cultural issues (especially girls), and the lack of schools within a short distance of their homes. In December 2009 HRW reported that the number of girls in school dropped 50 percent between sixth and seventh grades. In February a researcher for HRW reported that only 4 percent of secondary school-age girls reached grade 10. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education. The AIHRC worked with influential local figures to combat these harmful traditions.

Violence impeded access to education in increasing sections of the country from 2008 through year's end. The Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, school officials, teachers, and students. As in previous years, where schools remained open, parents were often afraid to send their children, particularly girls. The MOE reported that five million children were deprived of access to education. The AIHRC reported that half of schools did not have adequate, safe, and appropriate space for learning.

According to HRW the Taliban and other insurgent groups continued to target schools (particularly those for girls over 10 years old), teachers, and students. The MOE reported that between March and October, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students. For example, on April 2, the Taliban set fire to the girls' school in Gereshk, Helmand's commercial capital; reports indicated that three days earlier locals had been warned to vacate the school because it would be destroyed; this was the second attack on the school in two months. On April 3, Ariana TV and the Pajhwok News Agency reported that unidentified gunmen burned a girls' school in Faryab Province. On April 4, Tolo TV reported that unidentified men burned a girls' school in Sayedabad District, Maydan Wardak Province; the governor stated that armed opponents of the Government were responsible, but the Taliban denied any involvement. According to the Director of Education in Heart Province, in May female teachers and students in Guzara, Shindand, Koshke Rabat Sangi, and Kohna Districts were threatened to not attend schools. On May 28, the Taliban destroyed one school and threatened two others in the Lakan area of Khost; the attackers demanded that certain detainees be released before they would allow the schools to reopen. The Taliban also attacked the Zaku Khel School, a large project under construction by CARE International; 80 percent of the building, which was not yet operational, was destroyed. The attackers also left night letters at two other schools in Khost, warning students not to attend and turned students away on May 29. On July 14, during an interview with BBC Radio Dari/Pashtu Services, Taliban spokesman Zabiullah Mujahed said that the Taliban did not oppose women's education as long as they gained that education “in a secured environment” and under Sharia. He also denied that the Taliban burned down schools or harmed women. The UNAMA mid-year report stated that as a result of threats by antigovernment forces, schools were destroyed or closed, denying educational opportunities for thousands of children, particularly in the southern, southeastern, northern, and central regions. According to the AIHRC, the Government was not able to bring most of the perpetrators of violence against women and children to justice, and the persistent culture of impunity exacerbated the situation.

NGOs and aid agencies reported that insecurity, conservative attitudes, and poverty denied education to millions of school-age children, mainly in the southern and southeastern provinces.

In some parts of the country, especially rural areas, girls' schools were closed due to societal bias or security issues. In some provinces, such as Kandahar and Helmand, girls' schools were open in the provincial capitals but not in outlying dis-

tricts. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there had been 13 attacks on girls' schools since April. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers.

Child abuse was endemic throughout the country, based on cultural beliefs about child-rearing, and included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSA) stated that police frequently beat children. During the year drought and food shortages forced many families to send their children onto the streets to beg for food and money. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common. The MOLSA also reported that more than five million children lived in need of humanitarian assistance.

The legal age for marriage was 16 years old for girls and 18 years old for boys. International and local observers estimated that approximately 60 percent of girls were married younger than the age of 16. Under the EVAW those who arrange forced or underage marriages may be sentenced to imprisonment of not less than two years; but there has been very limited, if any, implementation of this law. The Law on Marriage states that marriage of a minor may be conducted by a guardian. By law the marriage contract requires verification that the bride is 16 years of age; however, less than 10 percent of the population had birth certificates. Since the marriage registration process was officially legalized in 2008, the AIHRC has been promoting marriage registration as an important tool for preventing forced and underage marriages. The Herat regional office of the AIHRC conducted a campaign on the use and advantages of marriage registration in the western region.

The custom of bride money may have motivated families facing poverty, indebtedness, and economic crisis to pledge daughters as young as six or seven years old, with the understanding that the actual marriage would be delayed until the child reached puberty. However, reports indicated that this delay was rarely observed and that young girls were sexually violated not only by the groom but also by older men in the family, particularly if the groom was also a child.

Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. A UNHCR report noted tribal leaders also abused boys. During the year the MOI recorded 28 cases of child rape; the unreported number was believed to be much higher. According to the AIHRC, most child sexual abusers were not arrested. Numerous media outlets reported that harems of young boys were cloistered for "bacha baazi," a practice in which young boys are sold to powerful local figures and businessmen and trained to dance in female clothes for male audiences and then used and traded for sex; however, credible statistics were difficult to acquire as the subject was a source of shame.

The AIHRC reported that pornography is a crime but child pornography, reportedly widespread, is not specifically prohibited by law. Exploiting a child for sex purposes, as is done with bacha baazi, is a crime.

Children were displaced due to the conflict. The MOLSA estimated that a large number of IDPs were children.

NGOs estimated that there were 37,000 street children in urban areas. Street children had little or 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 poor. The MOLSA oversaw 84 residential orphanages, designed to provide vocational training to children from destitute families. Of these 18 were private orphanages and 10 were official centers (but operated by NGOs by agreement with the ministry). NGOs reported that 60 to 80 percent of four- to 18-year-old children in the orphanages were not orphans but rather children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education.

The AIHRC expressed concern about the living conditions and future of children who lived with their mothers in women's prisons.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—There were no reports of anti-Semitic acts. There was only one known Jewish resident in the country, caretaker of the one remaining synagogue in Kabul.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report, which 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 who have disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities.

One international organization reported that accurate figures on the number of persons with disabilities were not available, but it estimated that there were 800,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MOLSA stated that it provided financial support to 80,000 individuals with disabilities. A survey by HANDICAP reported that there were 800,000 such persons in the country. The MOLSA accorded special treatment to families of those killed in war. The AIHRC reported that of the nearly 200,000 school-age children with disabilities, only 22.4 percent attended school.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic tensions between Pashtun and non-Pashtun groups resulted in conflict and occasional killings.

Social discrimination against Shia Hazaras continued along class, race, and religious lines. Ethnic Hazaras reported occasionally being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely. Sikhs and Hindus reportedly continued to face discrimination, including unequal access to government jobs; and verbal and physical abuse in public places. The UNHCR reported that Hindus, Sikhs, and Shiite Muslims—particularly those from the Hazara ethnic group—faced official obstacles and discrimination by the Sunni Muslim majority.

On June 19, a Kuchi (Pashtun) encampment in a pistachio forest in Ab Kamari District, Badghis Province, was attacked, allegedly by Tajik militias. Six persons reportedly were killed and more than 30 injured; the attack appeared to be retaliation for the killing of Tajiks/Sunni Hazaras in Narab, Ab Kamari, by Taliban members who were demanding taxes from the village. There were rumors of ANSF involvement, possibly due to the fact that many villagers from Narab are members of the ANP. Long-standing disputes between the Kuchis (nomads) and Hazaras escalated during the year. In April tensions with Kuchis flared in Baraki Barak, Logar Province. Villagers claimed that the Kuchis allowed their animals to graze too close to the settled areas. At least one person was killed in the fighting. On April 8 in Wardak Province, senior government officials negotiated a settlement of a 30-year-old land dispute between the Hazaras and the Kuchis, but on May 19, Hazaras and Kuchis fought over land disputes. On August 14 and 15, fighting broke out over land disputes between Hazaras and Kuchis in western Kabul, and several persons were killed. Tolo TV reported that following the clash, unrest spread to the Kota-e Sangi, Dasht-e Barchi, Pol-e Sorkh, and Qala-e Shada areas of the capital. Shamsbad TV reported that Hazaras attacked nomads in the Qala-e Qazi area of Kabul city, killing at least 10 persons, injuring more than 50 (including 24 police officers), and destroying hundreds of houses.

Discrimination against Hazaras and other Shias continued in certain areas, in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention.

NGOs reported that Ismailis (a minority Shia Muslim group whose members follow the Aga Khan) were not generally targeted or seriously discriminated against. In February the Ismaili Council for Afghanistan hosted an event to commemorate Mowlud-e-Sharif. It was attended by members of parliament, government officials, and representatives from other communities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were no reported instances of discrimination or violence based on sexual orientation, but social taboos remained strong.

Other Societal Violence or Discrimination.—There were no known instances of discrimination or violence against persons with HIV/AIDS, but there was reportedly high social stigma against persons with AIDS.

Section 7. Worker Rights

a. The Right of Association.—The 2007 labor law allows workers to join and form unions under the 2002 Social Organizations Law. The Government allowed several

unions, including the National Union of Afghanistan Employees (NUAE), the largest, and several smaller unions, to operate without interference. However, the International Trade Union Confederation did not accept the NUAE as an effective, independent representative of workers.

Implementation of labor laws remained a problem due to lack of implementing regulations, funding, personnel, political will, and central enforcement authority. Workers were not aware of their rights. More than 80 percent of the workforce was in the informal or agricultural sector, and the Government employed the majority of formal sector workers. Formal private sector employees were a tiny fraction of the workforce. In the public sector, the National Union of Afghan Employees claimed that most civilian government workers are members of the union. In the private sector, there were virtually no unions.

b. The Right to Organize and Bargain Collectively.—The 2007 labor law allows workers to join independent trade unions, but it provides no definition of a union nor its relationship with employers and members. The country lacked a tradition of genuine labor-management bargaining. Articles 145 and 146 of the labor law identify the Labor High Council established in the MOLSA as the highest labor tribunal and the MOLSA's Monitoring and Guidance Authority as the body investigating labor disputes; however, at year's end no implementing regulation to establish the council had been drafted.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor; however, there were reports that such practices occurred. Anecdotal reports suggested that women and girls were given away as household laborers to other families to settle disputes and debts. Anecdotal evidence suggested that forced child labor occurred, but there were no statistics available to indicate how pervasive the problem was.

Nothing in the labor law provides a penalty for forced labor, and enforcement of the law was problematic.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law sets the minimum age for employment at 18 years old but permits children 15 years and older to do "light work." Children between the ages of 16 and 18 may work only 35 hours per week. Children 14 years old and older may work as apprentices. Children younger than age 13 are prohibited from work under any circumstances, although these laws were not observed in practice. Although the labor law prohibits the employment of children in work likely to threaten their health or cause disability, there is no defined list of hazardous jobs. 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 younger than the age of 14. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. They also worked in several other sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys. Girls performed domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. The MOLSA and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones.

Carpet weaving was especially dangerous for children, particularly in urban settings, as the enclosed spaces where they lived and worked exposed them to upper respiratory diseases, eyestrain, and spinal and muscular damage. Children were considered suitable to learn carpet weaving at age five, and many children began working in this sector at an early age; families typically worked together weaving carpets, earning 1,500 afghanis (\$30) per month for their efforts, well below the minimum wage.

Sectors in which there were allegations of children subject to forced labor, including its worst forms, included agriculture, brick kilns, carpet-making factories, domestic service, and organized begging.

The Government made some progress in implementing its 2004 National Strategy for Children at Risk, including the passage of several laws, but it lacked a specific

policy on child labor. The MOLSA's labor inspection function was weak, and the absence of implementing regulations for the labor law's child labor provisions mean that there were no rules to enforce. Generally poor institutional capacity, not unique to the MOLSA, was a serious impediment to effective enforcement of the labor law.

There was a general lack of data on child labor and the worst forms of child labor, which hindered policy and program development. In addition fewer than 10 percent of children in the country had formal birth registrations, further limiting authorities' already weak capacity to enforce laws on the minimum age of employment and military recruitment.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The minimum wage for government workers was 4,000 afghanis (\$80) per month. There is no minimum wage in the private sector.

The labor law makes no mention of day laborers or casual labor, which left them completely unprotected. This segment of the population was unprotected; in an interview one day laborer indicated that when such a person took a job it was "always a gamble." Such workers might or might not get paid or get the pay that was agreed. Taking grievances to authorities might require bribes to have attention paid to such cases.

The law defines the standard workweek for both public-sector and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, miners, and others in other occupations that present health risks. 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 generally were not aware of the full extent of their labor rights under the law.

Labor violations against migrant workers were common; many companies allegedly did not pay local laborers for months at a time.

There were no occupational health and safety standards and no enforcement mechanisms. Employment was at will, and the MOLSA did not enforce the existing legal protections for workers. 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. The MOLSA claimed that it was drafting regulations for occupational health and safety in collaboration with the Ministry of Health, but such regulations were not issued by year's end.

BANGLADESH

Bangladesh is a parliamentary democracy of 155 million citizens. Prime Minister Sheikh Hasina Wazed leads the Awami League (AL) alliance, a 14-party coalition with a large majority of parliamentary seats. International and domestic observers considered the 2008 elections to be free and fair, with isolated irregularities and sporadic violence. There were instances in which elements of the security forces acted independently of civilian control.

Security forces committed extrajudicial killings and were responsible for custodial deaths, torture, and arbitrary arrest and detention. The failure to investigate fully extrajudicial killings by security forces, including several deaths in custody of alleged criminals detained by the Rapid Action Battalion (RAB), remained a matter of serious concern. Some members of the security forces acted with impunity. Prison conditions at times were life-threatening, lengthy pretrial detention continued to be a problem, and authorities infringed on citizens' privacy rights. An increasingly politicized judiciary exacerbated problems in an already overwhelmed judicial system and constrained access to justice for members of opposition parties. The Government limited freedom of speech and of the press, self-censorship continued, and security forces harassed journalists. The Government curbed freedom of assembly, and politically motivated violence remained a problem. Official corruption and related impunity continued. Discrimination against women, and violence against women and children remained serious problems, as did discrimination against persons with disabilities and against persons based on their sexual orientation. Trafficking in persons remained a serious problem. Violence against religious and ethnic minorities

still occurred, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation. Limits on worker rights and child labor 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.—Members of the security forces committed numerous extrajudicial killings. Police, Bangladesh Rifles (BDR) border force, and the RAB at times used unwarranted lethal force.

The Government did not release statistics for total killings by all security personnel. The Government also did not take comprehensive measures to investigate cases, despite public statements by high-ranking officials that the Government would show “zero tolerance” and would fully investigate all extrajudicial killings by security forces. The number of killings by police and combined security forces also increased. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the Government brought charges, those found guilty generally received administrative punishment. Some members of the security forces acted with impunity.

According to media reports, local and international human rights organizations, and the Government, the RAB killed 68 persons during the year, compared with 41 the previous year. Combined security units consisting of RAB members killed 15 persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or, in some cases, while the accused were in custody. The Government often described these deaths as “crossfire killings,” “gunfights,” or “encounter killings,” terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.

According to media reports, local and international human rights organizations, and the Government, law enforcement officials were responsible for 127 deaths, 101 of which were attributed to crossfire. The RAB accounted for 65 crossfire killings, members of police were responsible for 21, and combined security units consisting of the RAB and police were responsible for 12.

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 deaths, the Government has not disclosed any prosecution of a RAB officer for a killing.

According to the human rights organization Ain O-Shalish Kendra (ASK), 133 deaths occurred in custody during the year, including 74 deaths in prison. Many of the deaths were allegedly the result of torture.

According to Odhikar, a Bangladeshi human rights organization, on May 11, Mohammad Manik was arrested after being named in a theft case. While in custody in the Kotwali police station, Manik allegedly was tortured to death by the sub-inspector, Yunus Miah. Following the incident, the High Court ordered a full investigation. When the police commissioner failed to comply with the order, the High Court ruled the commissioner and the subinspector to be in contempt of court.

According to Odhikar, on May 24, RAB officials detained Abul Kalam Azad and his son. They were interrogated separately at RAB headquarters, after which Azad died. Azad's son claimed that the RAB tortured his father to death.

According to Odhikar, on June 29, the Dhaka metropolitan police detained Mohammad Mizanur Rahman, along with three other persons. While they were in custody, officials took the four individuals to a bridge in Gulshan where a police sub-inspector, Anisur Rahman, interrogated and shot Mizanur and one other person. Doctors treated Mizanur at Dhaka Medical College Hospital, but he died as a result of his injuries. The Dhaka metropolitan police formed an inquiry committee to investigate the incident.

There were no developments in the investigation into the January 2009 case of Mohammed Habib. Police from Chandgaon Police Station arrested, tortured, and killed Habib and tortured his colleague Arif. According to police, the men were arrested on suspicion of importing drugs from India and were injured during their arrest. Following Habib's death, an “unnatural death case” was filed. According to the assistant police commissioner of the Chittagong metropolitan police, the three officers involved were suspended.

According to media reports, 59 BDR members arrested in the wake of the February 2009 mutiny died in custody. Family members of the victims alleged that they died after being tortured. According to Odhikar, several BDR members taken into custody claimed the RAB and police physically assaulted and beat them, administered electric shocks, blindfolded them, and hung them upside down while in cus-

tody; NGOs alleged that army personnel also were involved in custodial deaths. The Government announced an investigation and promised to publish a report by July 2009 regarding the nature of the deaths but failed to publish any report. The Government investigation ruled that only two members died due to torture and that the others died because of illness or suicide. At year's end, the Government had not taken any action regarding the deaths or allegations of torture. Officials made little effort to investigate allegations of torture and deaths in custody.

There were no developments in the March 2009 case of Nayak Mobarak Hossain, a detective in the BDR security unit of the 18th Rifle Battalion in Cox's Bazar, who died at the Dhaka Medical College Hospital after soldiers allegedly assaulted him, according to his family. Hossain allegedly had telephoned his wife to say he was being kept in poor conditions and tortured. His body reportedly showed signs of severe bruising, swelling of limbs, injuries to both palms, and broken joints. A local police subinspector in Dhaka, who was present at the medical examination, had opened a murder investigation.

There were no developments in the May 2009 case in which police officers and RAB members allegedly shot and killed Sayeedur Rahman Sayeed in a crossfire killing in Alamdanga, Chuadanga. The RAB and police claimed they were conducting a raid on a cemetery where Sayeed and his accomplice were holding a meeting when the two men opened fire. The security forces allegedly returned fire, killing Sayeed. According to witnesses, no gunfight took place and police and RAB staged the incident.

There were no developments in the May 2009 case in which a team from RAB allegedly killed two Dhaka Polytechnic Institute students, Mohammad Ali Jinnah and Mohsin Sheikh, in a shootout. Family members, fellow students, and teachers alleged Jinnah and Sheikh were members of the Bangladesh Chhatra League and did not have criminal records. The RAB alleged the two students were "criminals" and "muggers," and that they had stopped the students at a checkpoint for acting suspiciously.

The Government did not conduct any further investigations into the alleged 2008 death by torture of Abul Hossain Dahli by police in Botiyaghata.

There were no new developments in the 2008 death of Fakir Chan in police custody in Maulvibazar. Chan's widow told Odhikar she was not financially able to pursue any legal case against his alleged killers.

There were no developments in the case against 16 officers from RAB who allegedly tortured to death Afzal Khan in 2008. Khan's father reported receiving various threats from the accused. In May 2009, according to Odhikar, following a petition from the victim's father, the chief judicial magistrate ordered local police to file a case. There were no further developments in the 2008 killing of Moshikul Alam Sentu, allegedly by officers from RAB. According to Odhikar, Sentu's mother claimed that she tried to file a case against the RAB, but no lawyers would take it due to fear the RAB would target them.

There was no further investigation into the 2008 killing of Mizanur Rahman Tutu by police officers. Family members told human rights groups they did not file a case.

There were no further developments in the 2008 killing of Anwar Hossain by police officers.

Politically motivated violence increased since the AL government assumed office, with opposition party supporters claiming harassment by ruling party supporters. Motivations for the violence often were unclear. According to Odhikar, 220 deaths were suspected of being politically motivated, compared with 251 the previous year.

Individual members of student wings from all major parties were responsible for numerous acts of on-campus violence. During the year auxiliary student wings were formally severed from the political parties and, according to media and human rights sources, many incidents of violence were related to criminal activities or personal as opposed to political vendettas. Despite the ban, some politicians from all major parties mobilized members of student wings for movements and demonstrations.

According to newspaper reports, on February 9, members of the Chhatra Shibir, the student wing linked to Jamaat-e-Islami, clashed with members of the Chhatra League, killing one Chhatra League member and injuring several others. Following the incident, police arrested dozens of Chhatra Shibir activists around the country and disrupted several of the organization's gatherings throughout the rest of the year.

According to press reports, on October 8, AL and Chhatra League activists attacked a Bangladesh Nationalist Party (BNP) rally in the Baraigram upazilla in the district of Natore, killing Upazilla Chairman, Sanaullah Noor Babu, and injuring several journalists. The case continued at of year's end.

There were no further developments on the case of Manju Morshed Shipu, the BNP activist killed in Mohammadpur in June 2009, by year's end.

There also were a significant number of reports of killings involving political party supporters, although there was no evidence of support from party leadership.

According to information gathered by Odhikar, 16 persons were killed and 1,127 injured in political violence in July. There were also 46 incidents of internal violence in the AL and four within the BNP. In addition four persons were killed in AL internal conflict while 410 were injured; 45 persons were injured in internal BNP violence.

According to information gathered by Odhikar, 220 persons were killed and 13,999 injured in political violence during the year. There were also 576 incidents of internal violence in the AL and 92 within the BNP. In addition 38 persons were killed and 5,614 persons were injured in AL internal conflict, and seven persons were killed and 1,146 persons were injured in internal BNP violence.

There were no developments in the June 2009 case in which seven to eight unknown assailants abducted and killed opposition BNP member Manju Morshed Shipu in Mohammadpur, Dhaka. According to police, Shipu had been shot in the left side of the forehead, and there were marks of beating on his arms, back, and feet. According to Shipu's wife, he was a potential candidate for ward commissioner in the city corporation elections. She believed his murder was politically motivated.

There were no developments in the 2008 killing of Mohammad Farman Ali by political rivals or the death of an individual following gunfire between AL and BNP activists.

At year's end, authorities still had not carried out death sentences in the case of three individuals from the banned Islamist organization Harkatul Jihad al Islami (HuJi) who were tried in 2007 for organizing a grenade attack at the Hazrat Shahjalal Shrine in Sylhet in 2004. Two others sentenced to life imprisonment were serving their sentences.

Vigilante killings occurred during the year, although figures suggested that the problem lessened or remained the same as in 2009. Odhikar reported at least 174 killings, but local human rights organizations acknowledged that the number of reported cases probably represented only a fraction of the actual incidents.

According to the New Age, on July 18, a mob lynched six suspected robbers in the village of Enayetpur in Gazipur. There was no investigation as of the end of the reporting period.

According to the Daily Star, a mob beat two suspected kidnappers to death in Kushtia Sadar on August 30. The deceased were identified as Somir Uddin and Ratan Kumar Das. Police were able to detain two members of the mob.

There were no investigations in the July 2009 killing by a mob of a suspected robber in Naranpar village in Comilla, the September 2009 beating to death of a carjacker by a mob in the Pallabi area of Dhaka, and the November 2009 beating to death of an alleged regional leader of an outlawed faction of the Purbo Banglar Communist Party in Roypur village in Gangni upazila.

There was no further investigation into the 2008 vigilante killings in Nasirabad and Kaliakoir, near Dhaka.

Violence along the border with India remained a problem, and the number of incidents increased by nearly 33 percent from the previous year. According to human rights organizations, the Indian Border Security Force killed 98 persons during the year. There were also reports that Bangladesh Border Guards, the new name adopted by the BDR, engaged in shootings along the border.

According to Odhikar, on January 21, Indian forces detained and tortured a 15-year-old boy whose family lived adjacent to the border. The boy was swimming in the river that demarcates the border before his detention. After his release, the boy died from the injuries he sustained during torture.

b. Disappearance.—Disappearances and kidnappings, allegedly by the security services, increased significantly during the year, but precise figures were unavailable. At least some of the kidnappings were politically motivated, although many were often for money or as a result of localized rivalries. According to Odhikar, there were nine disappearances with alleged ties to security personnel, although some incidents may have involved private citizens impersonating security personnel.

According to the Bengali-language daily, Prothom Alo, on February 28, RAB officials picked up Mohammad Selim, a fruit vendor in Gazipur. At year's end, his whereabouts were unknown.

According to Odhikar, on March 19, RAB officials detained Mohammad Akbar Ali Shorder in Thakurgaon. He has not been seen or heard from since, and the RAB denied detaining him. His wife filed a kidnapping case, but there was no progress as of year's end. On June 25, a group of men in a microbus abducted Mohammad Chowdhury Alam, a BNP city councilor in Dhaka. According to Odhikar, police

foiled a previous attempt to abduct Alam earlier that month and detained the abductors. Odhikar's report stated that in detention the abductors identified themselves as agents of the RAB and subsequently were released. Several days later, a group of men in plainclothes pulled Alam from his car and placed him in a microbus. Both Odhikar and his family believe that the same group was involved in both incidents. As of year's end, Alam's location was unknown.

According to the Bengali-language *Shamakal*, in June a group of nine persons identifying themselves as officers of RAB arrested Jahir Raihan Hiron at his house in Dhaka. The individuals wore uniforms and carried RAB identity cards. The group told Hiron and his family that he was being taken to the Dhanmondi Police Station for questioning. His whereabouts were unknown at year's end.

There were no developments in the 2008 disappearance of Liakat Hossain, allegedly involving members of the RAB.

There were no further developments in the 2008 case of 16 men charged with kidnapping nine members of an extended family. There were no further developments in the 2008 kidnapping of 40 anglers from the Kachikhali coast of Pathorghata.

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, and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured at least 22 persons. The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.

The criminal procedure code contained provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which the suspect could be questioned without his or her lawyer present. During the year the Government made efforts to limit the amount of time allowed for remand; however, these efforts were largely ignored by local magistrates. Most abuses occur during periods of remand.

According to Odhikar, on January 24, RAB officers arrested Mohammad Mohiuddin Arif and took him to the Pallabi police station. While in custody, officers moved him to the Dhaka Medical College Hospital for treatment and, at that time, he told his father that members of the RAB beat him on his chest and legs. Officers later took Arif back to the Pallabi police station, but he died after sustaining further injuries during subsequent interrogations. An unnatural death case was filed, but there was no arrest as of year's end.

On December 15, police detained Salahuddin Quader Chowdhury on an arson case stemming from the BNP's June strike. The International War Crimes Tribunal later charged Chowdhury with war crimes related to the country's 1971 war of independence. Chowdhury's family alleged that he was tortured during his initial interrogation, but police denied the charges. Chowdhury was later moved into protective custody and allowed medical treatment, but serious concerns regarding his health persisted.

According to Odhikar, on May 12, Rabiul Islam Khokon was tortured in remand, under court-ordered investigative custody, by subinspector Abdul Manan of the Noakhali Chatkhil police station. Khokon allegedly was beaten with metal rods, burned with cigarettes, stabbed with needles, and had several of his joints broken. After the torture, officials took Khokon to the hospital where he died of his injuries. Officials arrested Abdul Manan on the charge of murder, and he was awaiting trial as of year's end.

According to Amnesty International, on June 27, RAB personnel entered the house of BNP leader and former Dhaka mayor Mirza Abbas without a warrant during the opposition-led nationwide strike. Officials arrested Abbas earlier in the day on separate charges. During the incident, members of the RAB beat several members of Abbas' family and injured more than 20 persons. Officials made no further arrests, and no official investigation occurred after the incident.

There were no developments in the June 2009 torture case of BNP student leader Morshed Habib Bhuiyan Jewel by Kahalu police in Bogra. Jewel alleged that several times while in custody at the Netrokona Model police station three to four police officers blindfolded him, suspended him from the ceiling with handcuffs, beat him with sticks from the waist down, and poured hot water into his nose and mouth.

According to human rights organizations, there were at least six recorded incidents of rape and sexual abuse by police, officers, or armed forces personnel.

According to Odhikar, on July 7, Manik Rana, a member of the Bangladesh Army, raped a female factory worker in Ashulia. After her brother filed a case in the Ashulia police station, Rana was taken into custody. The case continued at year's end.

According to the Bengali-language newspaper, *Amar Desh*, on April 24, a police subinspector in the Betai village in the Jhineda District raped a homemaker after she refused his request for sexual favors. After the incident, the victim was hospitalized and the perpetrator was arrested. His trial continued at year's end.

According to Prothom Alo, on January 21, a police assistant subinspector in the town of Rangamati sexually assaulted and attempted to rape an underage girl. Police in the area only accepted the case after human rights organizations intervened. As of year's end, no charges were filed, and the officer was suspended but not fired.

There were no new developments in the February 2009 case of a member of an ethnic minority woman in the Chittagong metropolitan area who was gang-raped by four police constables.

There were no new developments in the 2008 rape of a 14-year-old girl in Sonargaon, Narayanganj, allegedly by RAB officer Abdul Gaffur, or in the 2008 rape of a young girl at Kamlapur Dhaka, allegedly by police subinspector Rezaul Karim.

There were also incidents of nonlethal, politically motivated violence by student groups. For example, according to the *New Age*, on January 28, a group of Chhatra League activists attacked a group of left-leaning activists on the campus of the all-female Eden College, leaving five injured. Officials made no arrests.

According to the *Daily Star*, on February 2, activists from the Chhatra League attacked a procession of the BNP's female student wing on the Dhaka University campus. According to the report, police at the scene were able to disperse the groups, but officials made no arrests.

Student groups also attacked journalists (see section 2.a.).

Prison and Detention Center Conditions.—Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths. Unlike in the previous year, there were no accounts of security forces holding detainees in temporary or military detention facilities.

According to Odhikar, 46 persons died in prison and 109 persons died in the custody of police and other security forces during the year.

According to the Government, the existing prison population at year's end was 69,650, or more than over 200 percent of the official prison capacity of 29,240. 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 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. During the year the Government ordered the release of 1,000 prisoners to help ease overcrowding. Some human rights groups expressed concern over the methods used to determine which prisoners qualified for the release. Conditions in prisons varied widely often within the same prison complex as some prisoners were subject to high temperatures, poor ventilation, and overcrowding while others were placed in "divisional" custody, which featured better conditions such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions that a prisoner would be placed in. All prisoners have the right to water access and medical care; however, throughout the year, human rights organizations and the media stated that many prisoners did not enjoy these rights.

The law requires that juveniles be detained separately from adults, but in practice many juveniles were incarcerated with adults. Over 300 children were imprisoned (some with their mothers) despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. According to statistics from the 2008 International Centre for Prison Studies report, minors made up 0.4 percent of the prison population.

Although the law prohibits women in "safe custody" (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations.

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 composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons but rarely disclosed their findings to the public.

In 2008 the inspector general of prisons tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them. There were few additional efforts to improve the prison system during the year.

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.

On June 27, during the BNP's nationwide strike, police arrested former foreign secretary Shamsheer Mobin Chowdhury and former mayor of Dhaka, Mirza Abbas, in Gulshan. Chowdhury remained in custody for several weeks while police interrogated him and eventually charged him with arson. Police did not mistreat Chowdhury and he was released on bail by year's end.

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 generally were ineffective and reluctant to investigate persons affiliated with the ruling party.

The Government took steps to improve police professionalism, discipline, training, and responsiveness, and reduce corruption (see section 4).

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police perpetuated a climate of impunity.

Arrest Procedures and Treatment While in Detention.—The law provides for arrest without the use of warrants in certain cases. The criminal procedure code and the Dhaka Metropolitan Police Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the Government regularly used such provisions. The number of preventive and arbitrary arrests declined from the previous year. Since taking office, the AL government has not carried out any mass arrests. ASK, a domestic human rights organization, and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.

Under the existing 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 caretaker government's anticorruption drive were held under this act, and during the period the Government sought and received numerous detention extensions from advisory boards, consisting of two judges and a government official. Use of the provisions of the Special Powers Act declined during the year.

There was a functioning bail system in the regular courts. For example, the courts granted bail to almost all of the officials and former officials accused of corruption under the caretaker government; however, the system sometimes moved slower in cases that carried political implications. Additionally the attorney general ordered that his office have the final decision on bail cases in violation of the code of criminal procedure.

Most criminal detainees charged with crimes were granted access to attorneys. The Government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year.

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.

Arbitrary and lengthy pretrial detention continued to be a problem. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Center for Prison Studies found nearly 70 percent of prison inmates were in pretrial detention.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but 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. Legislation from 2007 separating the judiciary from the executive remained in effect throughout the year.

Despite ostensible separation of the judiciary from the executive, the political authority made judicial appointments to the higher courts and allegedly influenced many judicial decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the Government. On April 11, the AL government appointed 17 additional judges to the High Court Division of the Su-

preme Court triggering protests from the pro-opposition Supreme Court Bar Association leaders. The opposition argued that two of the appointees had criminal records that included murder charges and ransacking of court premises. Outgoing Chief Justice Fazlul Karim refused to administer oaths to the judges, which drew criticism from government leaders.

On September 26, the Government appointed A.B.M. Khairul Haque as the new Chief Justice of the Appellate Division of the Supreme Court, superseding two senior members of the Appellate Division. Opposition party leaders criticized the appointment, stating that Haque was chosen because of his perceived loyalty to the ruling party. According to a set timeline, Haque was scheduled to step down from the Chief Justice position in May 2012 when he would assume responsibility for heading a constitutionally mandated caretaker government that would be responsible for conducting the next round of parliamentary elections.

In 2008 the Appellate Division overturned politically charged decisions by the High Court Division, usually to the benefit of the current government. In several cases, the Appellate Division overturned decisions granting bail to corruption suspects who were high-level leaders of opposition parties. Additionally corruption (see section 4), judicial inefficiency, lack of resources, and a large case backlog remained serious problems within the judiciary.

On July 29, the Supreme Court's appellate division lifted the stay on a 2005 High Court ruling that an amendment to the constitution that legitimized martial law in the 1980s was unconstitutional. However, there was no effort to prosecute those involved in declaring martial law.

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 and have the right to appeal, 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 that effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

According to the National Human Rights Commission, 90 percent of those eventually brought to trial were not convicted.

Political Prisoners and Detainees.—Former law minister Moudud Ahmed and former communications minister Anwar Hossain Manju remained free on bail, although their cases remained in process. Ahmed refused the Government's offer to drop the cases against him, and Manju continued to appeal two of his three sentences. The metropolitan public prosecutor decided to withdraw one of the cases against Ahmed for possessing alcohol at his residence in 2007. The High Court threw out one of Manju's convictions.

During the year the court granted several continuances in the trial against journalist Salah Uddin Shoaib Choudhury, who was detained for his attempted 2003 travel to Israel and who faced capital charges of "sedition, treason, and blasphemy." The Government allowed Choudhury to travel abroad while the case was pending.

During the year the Government, through an interministerial committee, continued to identify and withdraw allegedly "politically motivated" cases initiated under the caretaker government. Initially, the majority of the cases recommended for withdrawal appeared to be those brought against AL members. However, in 2009 the committee recommended withdrawal of cases against BNP members Moudud Ahmed and Tarique Rahman.

Civil Judicial Procedures and Remedies.—Administrative and judicial remedies are available for alleged wrongs. The Government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. 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.

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.

According to media reports, the Government established a national monitoring center consisting of representatives from law enforcement and intelligence agencies to monitor and coordinate telephone taps in 2008. Media and human rights groups

complained that the Government continued to employ the practice of illegal telephone tapping. Police rarely obtained warrants as required, and officers violating these procedures were not punished. Human rights organizations indicated that the special branch of police, National Security Intelligence, and the Directorate General Forces Intelligence (DGFI) employed informers to conduct surveillance and report on citizens perceived as critical of the Government. The Government also routinely conducted surveillance on opposition politicians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and press, but the Government frequently failed to respect these rights in practice.

Although public criticism of the Government was common, newspapers depended on government advertisements for a significant percentage of their revenue. As a result, self-censorship by newspapers practiced was common.

There were hundreds of daily and weekly independent publications. Although there were improvements over the previous year, newspapers critical of the Government still experienced government pressure. Journalists perceived to be critical of the Government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. In addition to one official government-owned news service, there were two private news services.

Unlike in previous years, the military's Inter-Service Public Relations office and the DGFI did not directly restrict newspaper ownership or content. However, in May the information minister met with the owners of private television channels and suggested that they refrain from broadcasting content critical of the Government. Shortly thereafter, the Bangladesh Telecommunications Regulatory Commission (BTRC) used a technicality in the communications law to shut down a private television station, Channel One, with close ties to the BNP. Channel One remained closed at year's end.

On June 1, the deputy commissioner of Dhaka District ordered the closure of Amar Desh, an opposition newspaper, and the detention of its editor, Mahmudur Rahman, ostensibly for fraudulent editorial practices. Rahman remained in custody as police attempted to charge him with corruption or sedition. Amar Desh was closed for more than a month as its attorneys negotiated the convoluted appeals system. The newspaper was publishing under a stay ordered by the Appellate Division of the Supreme Court, pending a final verdict on its status at year's end.

On August 19, officials charged Rahman with contempt of court after he published a commentary critical of the courts' neutrality, and he was sentenced to six months in prison. At year's end, Rahman remained in prison.

Also on August 19, a second editor of Amar Desh, Waliullah Noman, was sentenced to one month in prison for an unrelated article criticizing the neutrality of two judicial appointments. According to the attorney general, this was the first time that the Appellate Division of the Supreme Court sentenced journalists to prison for contempt of court.

The popular Bengali-language current affairs talk show, Point of Order, was removed from the air during the year. The host previously alleged that she received telephone calls from individuals identifying themselves as DGFI officials who warned her against promoting "antigovernment and antistate propaganda." She also stated that sponsors of her program were encouraged to stop their support of her show. Before the cancellation of the show, she stated, it was practicing significant self-censorship in an attempt to remain on the air.

The Government owned one radio station and one television station. The parliament passed a law mandating that the public television station, BTV, remain the country's only terrestrial broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels.

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, Diganta Television, a private operator, received a letter from the Ministry of Information warning it to edit content critical of the Government or face a shutdown. As of year's end, Diganta continued to operate. The Government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

Since coming to power, the AL-led government has shut two television channels, Channel 1 and Jamuna-TV. Both remained off the air as of the end of the year.

The Government issued new licenses to operate television channels to political supporters. This conformed to past practice and was not unique to the AL.

Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the Government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least four journalists were killed, 118 were injured, two were arrested, 43 were assaulted, 49 were threatened, and 12 had cases filed against them during the year. According to some journalists and human rights NGOs, journalists engaged in self-censorship due to fear of retribution from the Government.

On August 17, in Damurhuda upazila, activists from the AL's local student wing, the Chhatra League, attacked a local correspondent from the Bengali language daily, *Amader Shomoy*, allegedly for publishing a report critical of the group's activities in the area.

On September 1, activists from the Rajshahi University branch of the Chhatra League used sticks to attack a reporter from the English language newspaper, the *Daily Star*, over reports critical of the organization's campus activities.

On September 25, an unknown assailant targeted the Rangpur correspondent from the Bengali-language *Daily Jugantor* and stabbed him in the back. The correspondent had published an article on tender manipulation by AL activists in the area during the year. His assailant remained at large at year's end.

There were no further developments in the case of F.M. Masum, a reporter for the *New Age* newspaper. RAB officers arrested Masum and beat him in October 2009. Masum attempted to file a case, but was rebuffed. RAB headquarters released a statement expressing regret for the incident and transferred one of the officers involved.

There were no new developments in the 2008 case of Rabiul Islam, a journalist for the Rajshahi-based Bengali language *Daily Sunshine*, who allegedly was tortured by local police.

There were no developments in the case of the *Jai Jai Din* editor who was fired in 2008 because he published a cartoon critical of then army chief general Moeen Uddin Ahmed.

There were no new developments in the case of Jahangir Alam Akash, who authorities reportedly tortured in 2008. Akash ran his own Web log devoted to press freedoms and human rights during the year.

Unlike in previous years, the Government did not subject foreign publications and films to stringent reviews and censorship. A government-managed 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, but this was less strict than in the past. In practice video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

Unlike in the previous year, the Government only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

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. The most recent figures from the World Bank indicated that 5.8 percent of the population used the Internet in 2008. On May 28, the BTRC blocked access to the popular social networking site Facebook. The Government stated that the action was the result of pages depicting the Prophet Muhammed. Facebook was able to negotiate the reopening of the site which was again accessible as of June 5; however, pages other than those depicting the Prophet Muhammed also were blocked, including ones critical of the prime minister and the opposition leader. Opposition leaders alleged that security forces have attempted to their collect personally identifiable information; however, these allegations were not independently verified.

Academic Freedom and Cultural Events.—The Government did little to limit academic freedom or cultural events; however, media groups reported that authorities discouraged research on sensitive religious and political topics. Additionally, on April 28, Dhaka University dismissed five teachers with BNP affiliations for overstaying their allotted leave, but failed to enforce the measure more broadly as 219 teachers without BNP affiliations remained on leave.

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; however, at times the Government limited freedom of assembly.

Freedom of Assembly.—The Government generally permitted rallies to take place but on occasion used the criminal procedure code to prevent opposition political groups from holding meetings and demonstrations. The code authorizes the administration to ban assembly of more than four persons; according to ASK, the adminis-

tration used this provision at least 93 times during the year. At times police or ruling party activists used force to disperse demonstrations.

On July 28, the Dhaka Metropolitan Police issued an order banning all student protests in certain areas of the city, citing traffic concerns. All major political parties and student groups protested this ban, which remained in effect at year's end.

According to the Daily Star, a rally on August 22 by the BNP's student wing, the Jubo Dal, met with police resistance. Police claimed that the Jubo Dal failed to secure proper permission for the rally. At least 30 persons on both sides were injured.

The Islamist Party, Jamaat-e-Islami, reported that its ability to secure permits for rallies or processions was severely hampered throughout the year.

Local officials used the criminal procedure code prior to planned council meetings of the BNP to prevent clashes either between BNP and the ruling party or among rival factions of the BNP. In December 2009 ruling party activists and police attacked individuals at a reception in honor of Moyeen Khan's selection as a party leader. BNP supporters clashed with police and AL supporters, causing dozens of injuries. No charges were filed before the end of the year.

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. Unlike previous years under the state of emergency, trade unions were able to conduct their normal activities; however, the law made it nearly impossible to form new trade unions in many sectors, such as the ready-made garment industry.

c. Freedom of Religion.—For a complete description of religious freedom, see the 2010 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 except in the cases of some opposition political figures. As the Government moved to prosecute war crimes from the 1971 War of Independence, it created a list—consisting entirely of opposition party leaders—of those suspected of war crimes who it considered ineligible to travel outside the country. However, it did not move to strip these individuals of their passports. Immigration officials at Hajrat Shah Jalal International Airport in Dhaka prevented numerous politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country, citing the no-fly list and instructions from undisclosed higher authorities. Some of the politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country.

On three occasions, immigration officers barred senior BNP leaders from traveling abroad in violation of high court orders. On July 28, officials barred BNP Vice President Shamsheer Mobin Chowdhury from traveling to Singapore. Immigration officers told the Daily Star that they received verbal instructions to deny Chowdhury's travel. On August 8, Shahiduddin Chowdhury Annie received similar treatment at the airport. Both individuals were on bail stemming from charges related to the BNP's general strike in June; however, both possessed high court permission to travel abroad. Both eventually were able to secure another court injunction and travel abroad.

On September 14, BNP advisory committee member Reaz Rahman was stopped at the Dhaka airport as he attempted to board a flight to Kolkata and was told that his international travel was restricted by instructions from "higher authorities." Rahman was not accused in any criminal cases and was able to obtain a high court injunction further verifying his right to travel.

The law does not provide for exile, which was not practiced. The country's passports were invalid for travel to Israel.

Internally Displaced Persons (IDPs)—According to the International Displacement Monitoring Center (IDMC) Web site, armed conflict broke out in the Chittagong Hill Tracts (CHT) in 1973 as the Government opposed the demands of the indigenous Jumma people for greater autonomy. During the conflict throughout the 1970s and 1980s, the Government relocated landless Bengalis from the plains, ensuring that the Jumma became a minority in the CHT. During this period, clashes with army-backed settlers displaced tens of thousands of Jumma within the country.

The number of IDPs in the region is disputed. In 2000 a government task force estimated the number to be 500,000 but included nonindigenous persons in its estimate. During the same year, Amnesty International reported that there were approximately 60,000 IDPs, not counting the nonindigenous population. In 2008 the Government pledged assistance and reparation to those who lost their land during

the conflict and set up a commission and task for rehabilitation of returnee Jumma IDPs and the elimination of military camps. According to IDMC, however, "as of December 2009 there were still approximately 300 military camps in the region, and the work of the land commission and task force was hindered by lack of funding and human resources."

The IDMC also reports that there is "possibly a much larger number of members of religious minorities" across the country who may have been "forcibly displaced" as a result of discriminatory legislation. The Hindu community in particular lost much of its land under the 1974 Vested Property Act, which authorized government confiscation of property from individuals it deemed "enemies of the state." According to IDMC, "almost 750,000 Hindu families were dispossessed of agricultural land." Although the act was appealed in 2001, by year's end, the Government had not taken measures to provide restitution or compensation to those disposed of their property. There is no systematic reporting on the treatment of these widely scattered IDPs.

IDPs in the CHT have limited physical security. IDMC reported that "the army still holds authority over the general CHT administration, through an administrative order," and there are many reported cases of IDPs being subjected to arbitrary arrests, unlawful detentions, torture, rape, killings, and religious persecution. According to IDMC, "several reports indicate that these violations of the rights of indigenous people by settlers, sometimes with the involvement of security forces, have been systematic."

IDPs in the CHT also lack access to courts and legal aid. According to the IDC, "the CHT Commission, composed of experts from inside and outside Bangladesh seeking to promote respect for human rights, democracy, participatory development, and land rights in the Hill Tracts, found that the lack of information and available lawyers to assist the indigenous people additionally hinder their access to justice."

On February 19, Bengali settlers in the Baghaihat area of Sajek Union in Rangamati reportedly carried out arson attacks on more than 200 homes of indigenous IDPs. Several shops, a church, a Buddhist temple and a village center also were burned. At least two indigenous people were killed, allegedly by army personnel, and dozens were injured. On October 5, the CHT Commission issued a press release in which it recommended that the Government institute a high level independent inquiry into the arson attacks and killings, amend the 2001 CHT Land Dispute Settlement Commission Act in accordance with the articles of the CHT Accord, and "ensure that all future decisions of the Land Commission are made with the agreement of Pahari leaders who are members of the Commission." The commission also recommended the "phased withdrawal of temporary military camps in the region in accordance with the CHT Accord" and the full implementation of the CHT Accord.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. As a result, and in the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The Government had no formal 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 freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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. However, delays in granting FD6 approvals by the Government's NGO Affairs Bureau have led to extended delays in allowing NGOs to operate in country and implement assistance programs.

The Government continued to deny asylum to Rohingya arriving from Burma. The Government categorized them as illegal economic migrants and turned back many at the border; however, the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UNHCR, some of the individuals who were turned back likely were entitled to refugee status. Some unregistered persons in UNHCR camps returned to the country illegally after their official repatriation to Burma. On a number of occasions, local police detained unregistered persons outside the camps and imprisoned them under the Foreigners Act.

Working with the UNHCR, the Government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers that the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to the UNHCR, there were some discrepancies between the Government's official list of registered refugees and the UNHCR's. The UNHCR worked to resolve these discrepancies with the Government and began a harmonization exercise in September. The initial results were mixed

with UNHCR and the Government agreeing to only approximately 40 percent of the cases, but the Government was willing to work with UNHCR on negotiating the cases that remained. According to international aid organizations active in the area, there were an estimated 200,000 to 500,000 Rohingya not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazar, including approximately 25,000 to 30,000 at an unofficial site adjacent to the official Kutupalong refugee camp. International NGOs generally were unable to work officially with unregistered refugees because the NGO Affairs Bureau refused to grant permission for such projects. There were no repatriations of Rohingya during the year.

Working with the UNHCR, the Government continued to improve conditions in 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 for residents.

According to the UNHCR, there were cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems. However, conditions in the camps continued to improve as sanitation, medical, and education facilities were built and improved.

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, obtain medical care, or attend school outside the camps. The Government began to allow the UN Children's Fund (UNICEF) to operate schools through grade five in the camps. In practice, however, the provision of basic services from the UNHCR and other NGOs meant that registered refugees often received better medical care than individuals in surrounding villages. The Government insisted that all Rohingya refugees remain in camps until their return to Burma. The Government claimed that Rohingya refugees were not allowed to possess money and that money in their possession could be confiscated. In practice enforcement of these rules remained sporadic and depended on local authorities. 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 through the high school level.

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—In 2008 the High Court ruled that Biharis living in the country, once considered stateless, were citizens. Approximately 160,000 to 200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition, a large number of whom 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 awaited repatriation to Pakistan, where the Government was reluctant to accept them. Many in the Bihari community were born after 1972, and the vast majority of this population has been assimilated into the mainstream Bengali-speaking environment, although social barriers to upward mobility remained.

Approximately 90 percent of all adult Biharis, or 184,000 persons, were registered as voters following voter registration drives prior to the 2008 elections.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Representation of the People's Order (Amendment) Ordinance 2008 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 in the bill, such as the abolition of students' and women's wings and foreign chapters, to be undemocratic, but they accepted the changes with some reluctance and revised their party constitutions. Under the amended ordinance, candidates must reveal information about their education, wealth, and criminal records when they file to run for parliament. Most political parties submitted statements to the election commission outlining expenditures and sources of funds by the September deadline.

On February 2, the Appellate Panel of the Supreme Court upheld a 2005 high court order nullifying the Fifth Amendment to the constitution, which had legitimized martial law as proclaimed by Khandker Mushtaq Ahmed, who succeeded

former president Sheikh Mujibur Rahman in 1975. The Supreme Court, however, retained the Fifth Amendment provisions that restored multiparty democracy, freedom of the press and the judiciary, and validated the routine government actions carried out by that government.

On July 21, the parliament constituted a 15-member committee to review the constitution and make recommendations for further amendments. Opposition members of parliament (MPs) refused to join the committee.

On August 26, a high court panel, in a similar judgment, nullified the Seventh Amendment to the constitution, which had legitimized the seizure of power by then army chief of staff, H.M. Ershad, from an elected government and his government's activities under martial law. As of year's end, the High Court judgment was pending review by the appellate panel.

In April 2009 the parliament passed the Upazila Parishad (Amendment) Act to reintroduce a tier of the local government abolished in 1991. The act made it mandatory for the upazila parishads, or councils, to accept the advice of the local MP. Under the act, upazila parishads could not communicate directly with the central government without their local MP's advice. As a result, the upazila parishads remained largely dysfunctional, as the Government failed to give them clear authority to carry out administrative and development activities at the subdistrict level. The reluctance of bureaucrats to work under the authority of the elected leaders of the upazila parishads and the domination of the MPs were partly responsible for the slow progress of this tier of local government.

The parliament had 345 members, 300 of whom were directly elected. The remaining 45 seats were reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected MPs. Party leaders appointed 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.—Sheikh Hasina, leader of the AL, became prime minister in January 2009, following the parliamentary elections in 2008. The 14-party AL alliance won 230 of 299 seats in the elections, which international and local observers deemed free and fair. Hasina's cabinet included representatives from the other parties in her coalition. Hasina replaced Fakhruddin Ahmed, chief advisor to the caretaker government, as the head of government. BNP chairperson and former prime minister Khaleda Zia became leader of the opposition.

On April 24, sporadic violence, stuffing of ballot boxes, and intimidation of voters marred a parliamentary by-election in the southern district of Bhola. The ruling AL candidate won this election by a wide margin against his BNP rival. In contrast the June 17 election to the Chittagong City Corporation was held peacefully and without any major incidents. The BNP-backed mayoral candidate narrowly defeated his AL-backed incumbent rival.

Having walked out several times in the previous year, the opposition MPs returned to parliament on February 11 but resumed their boycott only a few hours later. They demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. The parliament formed all 48 standing committees in the first session with participation from opposition parties. The opposition MPs continued to participate in standing committee meetings despite their absence from parliament.

There were 64 women serving in parliament, 19 of them were directly elected. According to the law, women are eligible to contest and win any number of seats among the 345 MPs, but 45 seats were reserved for women. Six women, including Prime Minister Hasina, held the status of cabinet minister, including the ministers of home affairs, foreign affairs, and agriculture. The prime minister also retained the defense portfolio. Khaleda Zia, as the leader of the opposition, and Sajeda Chowdhury, as the deputy leader of parliament, also had the status of cabinet minister. Two women were appointed as state ministers, and a third was serving as a whip of parliament with the status of a state minister. In the January 22 upazila elections, 481 female vice chairpersons were elected to reserved positions for women. Seven of the 95 Supreme Court judges were women.

There was no provision to provide parliamentary seats for minorities. Members of minority groups constituted approximately 10.3 percent of the population but held approximately 5 percent of seats in parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Gholam Rahman, the former chair of the Bangladesh Energy Regulatory Commission, was appointed as the new chairman of the Anti-Corruption Commission (ACC) in May 2009. As in prior years, the ACC focused its efforts during the year on developing cases involving public persons who failed to disclose income.

In previous years, the ACC filed more than 1,000 cases related to the endemic corruption that marked previous governments. As the ACC has lost much of its influence, most of these cases have been withdrawn. In 2009 under its new chairman, the ACC filed a money-laundering case against Koko Rahman, the son of BNP leader Khaleda Zia. A separate money-laundering case was also filed against Koko Rahman and Khaleda Zia's other son, Tarique Rahman. Both were living outside the country on bail at year's end.

According to a World Bank Country Assistance Strategy, the Government is trying to undercut the authority of the ACC and is severely hampering the prosecution of corruption throughout the country. The reports states that the current government has filed far fewer corruption cases than the caretaker government, and a government commission has recommended that the ACC drop thousands of corruption cases, mostly involving AL members. The report acknowledged that the Government has stated a commitment to countering corruption through preventive measures.

According to Transparency International Bangladesh, the Government has approved an amendment that would significantly cripple the ACC. One provision of the amendment would require the ACC to obtain governmental approval before bringing proceedings against an individual. The proposed amendment was approved by the cabinet but was not brought to a vote in parliament by year's end.

A review committee headed by the state minister for law, justice, and parliamentary affairs recommended the withdrawal of politically motivated cases that the Government and ACC filed prior to 2009. The committee recommended the withdrawal of approximately 1,817 cases, filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman; one against BNP leader and former law minister Moudud Ahmed; and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the Government's offer to withdraw all cases against him and demanded the withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.

The release of many corruption suspects continued to draw comment from some members of civil society, who stated that the Government was not serious about fighting corruption. Government leaders argued that the Government and the ACC would continue to pursue corruption cases despite the release of some suspects on bail.

The Government took steps to address widespread police corruption. 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.

The judiciary was subject to political pressure from the Government. In several cases, the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties. Corruption remained a serious problem within the judiciary. Corruption was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Human rights observers contended that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

There were allegations that candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

In March 2009 parliament passed the Right to Information Act, in line with a lapsed 2008 ordinance promulgated by the caretaker government. This law effectively annulled the Official Secrets Act, which had denied the public access to government information.

Section 5. 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 often were sharply critical of the Government, they also practiced some self-censorship.

The Government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs, including Odhikar, Medecines Sans Frontieres (MSF), Action Contre la Faim (ACF), and the American Center for International Labor Solidarity (ACILS), reported that the Gov-

ernment sought to impede their work, either by canceling projects or subjecting them to restrictive operating requirements.

In August 2009 Odhikar received a letter from the NGO Affairs Bureau (NAB), the office within the prime minister's office that approves NGO projects, canceling its approval of a continuing human rights training and advocacy project. Odhikar experienced similar trouble gaining NAB approval for a separate project and was navigating the appeals process at year's end, with the case still pending.

According to the ACILS, during the year the NAB delayed approval for the release of foreign funding and delayed approval for its foreign donation (FD) registration. Additionally the NAB canceled the FD approval for one of its implementing partners, the Bangladesh Center for Workers Solidarity (BCWS) stating that the BCWS was operating outside of its geographical and operational mandate.

During the year both MSF and ACF lost their FD approval. Both organizations were working with Rohingya refugees in the Cox's Bazar district, in addition to other programs throughout the country. The loss of their FD approval forced both organizations to suspend much of their operations. The situation was not resolved by year's end.

There were no developments in the case of RAB officers allegedly harassing Odhikar in 2008. According to Odhikar, the RAB continued some harassment of the organization during the year.

In July 2009 parliament passed the National Human Rights Commission Act, re-constituting the country's seven-member Human Rights Commission. The new commissioner, Mizanur Rahman, pledged to address all human rights violations, with emphasis on extrajudicial killings; however, the commission was not fully functional by year's end.

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

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh 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 law, weakening provisions for dowry crimes and addressing the issue of suicides of female victims of acts of dishonor. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

Women.—The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 556 reported incidents of rape against females during the year, including 308 against female 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. Of the 556 rape victims, 93 were victims of gang rape; 30 were killed after their rape. According to ASK, there were only 323 rape cases filed during the year.

According to the Daily Jugantor, on May 17, a health worker raped a mentally disabled woman in the village of Aliyara in Comilla. The local community detained the perpetrator, but police freed him after he paid a 50,000 taka (\$725) fine.

According to Odhikar and the Bengali-language Shamakal newspaper, on July 5, several students affiliated with the AL's Chhatra League abducted a female student in the village of Kaharta in Tangail. The students raped her while accomplices filmed the incident. The victim filed a case with the local police station, and one of the perpetrators was arrested; however, the leader of the group was not arrested.

According to Odhikar, on October 18, three or four men raped a mentally disabled teenager from Bhuiyanbagh area in Narayanganj city, while she was on her way to her father's grocery shop. The men, including one named Rassel, raped her and videotaped the incident. After this assault, the criminals demanded 20,000 taka (\$666) from the victim's family.

In October parliament passed the Domestic Violence (Protection and Prevention) Bill, which criminalized domestic violence. Women's rights groups previously criticized the Government for its inaction on the issue, which was widespread and increased during the year, although data quantifying it was difficult to obtain. After the passage of the bill, critics expressed doubts about its effectiveness. A 2000 study by the UN Population Fund indicated that at least 50 percent of women experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) filed 1,721 cases related to violence against women during the year and received over 6,000 reports of violence against women. Most efforts to combat domestic violence were funded by NGOs with little assistance from the Government. 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. ASK reported 395 cases of dowry-related violence, including physical torture, acid attacks, and killings—an increase from 227 the previous year. There are no adequate support groups for victims of domestic violence.

According to the Daily Star, on September 4, police arrested Delwar Hossain, a resident of Dhaka, for beating his wife to death over a failed dowry payment. Her family was able to file a case for the murder, which continued at year's end.

In July 2009 according to media reports, a man beat his wife and allegedly forced her to drink poison in Narsingdi. The woman died on the way to the hospital; her husband claimed she had committed suicide. When the wife's relatives confronted the husband about her death, he allegedly attacked them, seriously injuring six men. According to relatives, the husband regularly beat his wife because he was upset that he had not received a dowry from her parents. A case was filed with police and was pending at year's end.

NGOs such as the BNWLA operated facilities to provide shelter to destitute persons and distressed women and children. According to the 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 destination for short periods.

A 2001 high court ruling banned fatwas (religious edicts). Islamic tradition dictated that only those muftis (religious scholars) with expertise in Islamic law were 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. On May 24, the High Court ruled that extrajudicial punishments consistent with Sharia law were illegal and ordered that passages discouraging such punishment be added to school textbooks.

Incidents of vigilantism against women—sometimes led by religious leaders by means of fatwas—occurred. According to ASK, 22 incidents of vigilante justice against women occurred during the year, and only four incidents resulted in police action. The punishments included whipping, beating, and other forms of physical violence.

According to the Bengali-language Prothom Alo, on May 19, three imams in the village of Purbohati in Brahmanbaria issued a fatwa demanding that a 17-year-old girl be whipped 101 times and exiled from the village for an alleged extramarital affair. No punishment was included for the man involved in the affair. The girl lost consciousness after 25 lashes. The president of the local AL chapter presided over the arbitration that resulted in the fatwa.

According to Odhikar, on August 3, the husband and in-laws of a homemaker in Jatrabari allegedly killed her after a sonogram confirmed that she was pregnant with a female child. Her husband, Mohammad Sohel, and his family members, killed her through repeated physical abuse. She also was previously mistreated periodically due to dowry demands.

In May 2009 a fatwa committee in Bitteshwar union ordered a 26-year-old woman whipped 100 times, according to the Daily Star. The woman, an unwed mother, sought to have her son's paternity socially acknowledged, a claim the alleged father denied. The woman was whipped until she lost consciousness; at this point, village leaders asked her father to tie her hands as they continued to whip her. Police filed cases against six men, but only three were arrested. The trial was pending at year's end.

Acid attacks remained a serious problem. Assailants threw acid in the faces of victims—usually women—and left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During the year according to Odhikar, 137 persons were attacked with acid. Of these victims, 84 of the victims were women, 32 were men, and 16 were children.

According to Odhikar, a housewife in the village of Ilishpur in Shatkhira was attacked with acid, doused with gasoline, and set on fire after she filed for divorce on the grounds of persistent domestic abuse. The victim was admitted to Khulna Hospital and died of her injuries. A case was filed, and two of the three perpetrators were arrested. The case continued at year's end.

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 seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective; prosecutors were able to obtain a conviction in an estimated 10 to 12 percent of attacks each year.

Deputy Attorney General Rajik Al Jalil has stated that the guidelines covered verbal abuse and physical attacks, including the sending of suggestive text mes-

sages. Sexual harassment in schools, workplaces, and in other public spaces remained a problem during the year. A study published in May 2009 by the Journal of Interpersonal Violence found that out of 5,106 unmarried adolescent girls in rural areas surveyed in 2004, 35 percent experienced harassment, 34 percent experienced unwanted sexual attention, and 14 percent experienced sexual intimidation.

Reproductive health information was freely available, but income and education often served as barriers to access. Pharmacies carried a wide range of family planning options; however, traditional family roles often hindered free access.

According to 2008 UN estimates, the maternal mortality rate in the country is 340 deaths per 100,000 live births. The World Health Organization noted some of the major causes of maternal death, including postpartum hemorrhage, obstructed labor, eclampsia, postpartum sepsis, and violence or injuries. According to the Government's 2007 Demographic and Health Survey, approximately 85 percent of women give birth at home, and only 18 percent had access to a skilled birth attendant. Sixty percent of women attended one of four recommended prenatal visits; only 21 percent attended all four. Only 30 percent of women attend one or more postnatal visits. Most of the programs offered by the Government and NGOS to prevent and treat HIV/AIDS and other sexually transmitted diseases were focused on women.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights. For example, inheritance laws comply with the religion of the parties involved. Under traditional Islamic inheritance laws, daughters inherited only half that of sons, and, in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death.

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. There were some disparities in pay in the overall economy between men and women, but in the garments sector wages were roughly comparable.

In September 2009 the AL government vowed to reinstate the National Women's Development Policy that the previous AL government established in 1997. The policy's features included reservation of seats for women in parliament, initiatives to appoint women in senior posts in the administration and in all spheres of employment, and greater legal measures to end discrimination against women. There were no further developments at year's end.

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 some progress, a 2009 Household Food Security and Nutrition Assessment jointly conducted by the Government, the World Food Program, and UNICEF found that 48.6 percent of all children remained chronically malnourished.

The law does not grant citizenship automatically by birth within the country. Individuals become citizens if they, their fathers, or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories on March 25, 1971. Birth registrations were available only to approximately 10 percent of the population.

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 that sent 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 for poor families and created a disincentive to attend school.

Although the legal age of marriage is 18 years old for women and 21 years old for men, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations rare. A local human rights NGO, Mass Line Media, concluded from a 2004 survey that an estimated 40 percent of all marriages could be considered child marriages. There was no indication that this had changed in the time since the survey was taken. In an effort to reduce child marriages, the Government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least the age of 18.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, includ-

ing a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem.

Child labor remained a problem in certain industries, mostly in the informal sector. It frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service. 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport-4308.html>.

Anti-Semitism.—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.

Trafficking in Persons.—For information on trafficking in persons, please see the State Department's annual Trafficking in Persons Report, which 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 disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs including Handicap International have programs focusing on helping and raising awareness about the persons with disabilities. Persons with disabilities were legally afforded the same access to information rights as those without disabilities; however, family dynamics often influenced whether or not these rights were used.

Indigenous People.—Indigenous populations had marginal ability to influence decisions concerning the use of their lands. There was some progress in the implementation of the 1997 CHT Peace Accord. The Government reconstituted the CHT Land Commission, which announced its decision to conduct a land survey beginning in October 2009; however, indigenous rights groups have criticized this decision since they believe Bengali settlers will be able to obtain false documents detailing ownership of traditionally indigenous lands. The National Committee for Implementation of the CHT Peace Accord also was reconstituted, with Deputy Leader of Parliament Sajeda Chowdhury as chairman, on December 27, the National Committee for the Implementation of the Chittagong Hill Tracts Peace Accords, suspended the activities of the land commission pending further review, the Government ceded some key functions, such as primary education, to local authorities, but it did not cede responsibility for other key functions, such as land use and natural resources as the accord specified. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the peace accord.

The Government allowed some cell phone and Internet coverage to the three Hill Tract districts in 2008. Although the Government cited security concerns as the reason for limiting coverage, human rights groups and local officials claimed lack of coverage was also aimed at stunting the development of the region. The land commission dealing with land disputes between ethnically indigenous individuals and Bengali settlers did not function effectively in addressing critical land disputes after the signing of the peace accord. Indigenous leaders remained disappointed with the lack of assistance to those who left the area during the insurgency.

In 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 had withdrawn 212 camps, leaving approximately 235 camps. During the year indigenous leaders continued to protest the army's presence and called publicly for its removal.

The conflict continued between the Parbattya Chhattagram Jono Sanghati Samity, which signed the 1997 Peace Agreement with the Government, and the United Peoples' Democratic Front, which opposed the peace agreement.

On February 19 and 20, according to NGO and press reports, there were a number of skirmishes between Bengali settlers and the indigenous community in Baghaihat in the Chittagong Hill Tracts. During the incidents, parties set fire to

several homes and attacked the residents with sticks and firearms, resulting in the deaths of two indigenous persons. A report by the Chittagong Hill Tracts Commission alleged that army personnel were present during the attacks but did not attempt to restore peace. The Government immediately responded by moving several senior officers from the area; however, there were no arrests.

Indigenous communities in other areas continued to report loss of land to Bengali Muslims. The Government neither cancelled work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas, nor did it undertake any new activities. In addition indigenous communities, local human rights organizations, and churches in the area continued to claim the Government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual acts remained illegal, but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite sex partners.

Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. Strong social stigma based on sexual orientation was common and repressed open discussion about the subject. Local human rights groups did not monitor the problem, and there were few studies on homosexuality in the country.

Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare—partly because few individuals openly identified their orientation—there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the transgender or “hijra” community.

Other Societal Violence or Discrimination.—There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed that 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 7. 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, although numerous restrictions on union registration remained. For example, the law requires more than 30 percent of an enterprise’s total workforce to be members before approval, and the union can be dissolved if membership falls below 30 percent; no more than three trade unions can be registered in any establishment; and managerial staff and other employees designated by employers as “confidential” may not join unions.

Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union organizing during the state of emergency, these regulations were not formally instituted.

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 approximately 4,000 garment factories employing 2.5 million workers; more than 80 percent were women. No reliable labor statistics were available for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law. The director of labor is responsible for the registration and dissolution of unions. The registrar of trade unions may deregister unions with the approval of the labor court and, during the year, some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of dissolution or denial of registration.

The law recognized the right to strike; however, many restrictions on this right remained. For example, 75 percent of union membership must consent to a strike before it can proceed. The Government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. In addition strikes are banned for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. In practice few strikes followed legal requirements, which are cumbersome; strikes or walk-outs often occurred based on the spontaneous decisions of workers.

The Government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or for labor unrest, stemming from the June and December minimum wage-related protests (see section 7e). These cases remained unresolved as of year's end.

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, occasionally intense, labor unrest occurred throughout the country, particularly in the ready-made garment sector. Labor organizers reported frequent acts of intimidation and abuse, arbitrary lock outs, firing of employees, and increased scrutiny by security forces. Authorities sometimes arrested labor organizers for destruction of property and other charges, in what some NGOs considered repression of labor rights activists. In June the NGO Affairs Bureau did not renew the foreign donation approval of the Bangladesh Center for Workers' Solidarity (BCWS) asserting that the BCWS had violated its terms of registration; however, the BCWS was unable to use proper channels to appeal the decision, and its registration status remained in limbo at year's end. In August three BCWS leaders were arrested for alleged involvement in the violent unrest following the ready-made garment minimum wage announcement. They were released on bail, and their trial was pending as of year's end.

The law establishes mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. The Government filed cases against some striking labor leaders and workers for destruction of property, blocking roads, or for labor unrest stemming from the minimum wage announcement. The cases remain unresolved as of year's end. Civil servants and security forces have little recourse for grievances; however, they can file cases in the regular court system.

Unions were highly politicized but were independent of the Government and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the Government-run Port of Chittagong.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of workers to organize and bargain collectively without interference, but this right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities; however, employers often sought to curtail this right, particularly in the ready-made garment industry. Implementation of the law's provisions was uneven and many private sector employers discouraged union activity. There were reports that employers in the shrimp and fish processing plants in Khulna fired workers over union activities. Many workers appealed their termination and the dispute continued at year's end.

The Director of Labor ruled on union-organizing discrimination complaints except in Export Processing Zones (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. The majority of workers in such cases, however, sought financial compensation rather than reinstatement. 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; however, this was rarely implemented in practice. 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.

Overall, labor conditions in the EPZs improved somewhat, although the legal situation continued to be questionable. In August parliament passed the EPZ Workers' Welfare Society and Industrial Relations Act (EWWSIRA), which, among other things, specifies association rights in the EPZs. Under EWWSIRA Workers Representation and Welfare Committees (WRWC) formed under the previous law expire four years after their constitution. In place of the WRWCs, workers were to form Workers Welfare Societies (WWS), although EWWSIRA did not set a date for the elections of the leadership of the new WWSs. Under EWWSIRA, the WWSs have many of the same basic powers as workers' associations, including the right to strike and engage in collective bargaining. The EPZ will expire in 2013, and the Government declared a minimum wage for shrimp sector workers. The date for the elections of the leadership of these new WWSs, an issue never fully resolved for WRWCs, was not set. The EWWSIRA also determined that until a separate labor tribunal was established for the EPZs, the present Labor Court would function as the EPZ Labor Tribunal, EPZ workers can file complaints to enforce broader legal rights in the EPZs.

WWSs are prohibited from establishing any connection to outside political parties or NGOs. Under the previous law, no provision barring affiliation with NGOs had

existed. It was unclear if the EWWSIRA will allow several existing labor and health organization programs to continue to operate in the EPZs. Additionally the EWWSIRA prohibited strikes in the EPZs until October 31, 2013. Despite the ban, worker unrest in the Chittagong EPZ in mid-December shut the EPZ for several days. Some labor groups welcomed the EWWSIRA while others protested its measures and pushed for full rights for unions in the EPZs.

In November 2009 the labor law was amended to limit trade union activities at the Chittagong and Mongla ports. Under the amendment, each port can only have one trade union, which had to be organized within six months of the day of enactment of the amendment. All existing trade union bodies were to be dissolved. Only workers who had completed one year's service could be registered as members of these trade unions.

Many workers associations were not formally registered because employees attempting to organize associations faced difficulties from some factory owners. Some factory managers strongly discouraged workers from meeting outside labor groups and sometimes terminated workers who did.

Federations of workers associations within the EPZ were permitted, but federations with enterprises in other EPZs or with enterprises outside EPZs were banned.

EPZ officials had interpreted EWWSIRA regulations and applicable laws narrowly and claimed they were exempt from the broader labor law. Labor groups challenged this claim. Workers filed legal cases against EPZ factories that did not follow the BLA, and they remain unresolved. In 2008 the Government amended the labor law to make it illegal for a trade union office to be located inside or within 200 meters of any industrial institution or group of institutions. Therefore, any trade union offices within these limits had to be moved within three months of the date that the amendment was implemented. In November 2009 the BLA was amended to reduce the penalty for persons who violate the law. Labor activists protested this amendment, alleging it had been intended to favor the employers, although there was no strict enforcement of the law.

c. Prohibition of Forced or Compulsory Labor.—The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the Government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

Some Bangladeshi men who are recruited for work overseas with fraudulent employment offers are subsequently exploited under conditions of forced labor or debt bondage abroad.

Though relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Bangladeshi children and adults are forced into domestic servitude and bonded labor, including restricted movement, nonpayment of wages, threats, and physical or sexual abuse. Faced with extreme poverty and unemployment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—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, and child labor is widespread. The BLA regulates child employment depending on the type of work and the child's age. In 2006 the International Labor Organization (ILO) estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers between the ages of five and 17 performed hazardous labor.

During the year Services and Solutions International, a Dhaka-based research institution, found children frequently worked in the informal sector in industries like road transport, such as rickshaw pulling, automotive repair, and minibus assistance; in machine shops, salt and match factories, and tanneries; and in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap. Children were engaged in the following hazardous activities: printing, fabrication, stone breaking, dyeing operations, blacksmith assistance, and construction. Children also worked in the service industry in hotels and restaurants. According to a 2003 government survey of urban areas, street children, mostly boys, engaged in various forms of work, such as begging, portering, shining shoes, collecting paper, and selling flowers. Boys and girls, often those living on the streets, were exploited in illicit activities, including smuggling and trading arms and drugs.

Children routinely performed domestic work. The Government occasionally brought criminal charges against employers who abused domestic servants. In 2009 the ILO and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, among 18,902

child victims of sexual exploitation, 83 percent were girls, 9 percent transgender children, and 8 percent boys. Forty percent of the girls and 53 percent of the boys were below the age of 16. Fourteen percent of the girls and 6x percent of the boys were trafficking victims.

The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor legislation outside the export garment and shrimp processing sectors. The law 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.

In 2008 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.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—For the five year period 2007-12, the National Minimum Wage Board (NMWB) established the minimum monthly wage at 1,800 taka (\$25.33) for all economic sectors not covered by industry-specific wages. The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry. In the garment industry, the Ministry of Labor raised the minimum wage in June from 1,662 taka (\$24) per month to 3,000 taka (\$44) per month; however, wages were sometimes higher than the minimum wage. Workers had demanded a minimum wage increase to 5,000 taka (\$73) per month, and the announcement of the lower figure triggered some unrest throughout the country but centered in Dhaka from late June through July. Wages in the EPZs were typically higher than general national wage levels. None of the set minimum wages provided a sufficient standard of living for urban dwellers. It was common practice for garment factories to force workers to work overtime, delay their pay for months, and deny full leave benefits. In May 2009 the Government declared a minimum wage for shrimp sector workers. The minimum monthly wage was 2,510 taka (\$36).

On December 12, garment workers protesting implementation of the minimum wage increase in the Chittagong EPZ clashed with police, leaving four persons dead including one rickshaw puller. The protests caused a one-day shutdown of the Chittagong EPZ. After the December 12 violence, the Government decided to form a tripartite steering committee to oversee the implementation of the new pay scale and replaced the chair of the Bangladesh Export Processing Zone Authority.

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 pursued legally. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors. Inspections were unannounced, but, in many cases, labor groups alleged that factory owners in collusion with inspectors received advance warning. There were 95 inspectors serving nationwide and 59 vacant positions. Many workers alleged there was systemic and endemic corruption and inefficiency among inspectors.

Safety conditions at many workplaces were extremely poor. Because of high unemployment rates and inadequate enforcement of laws, workers demanding redress of dangerous working conditions or who refused to work under hazardous conditions risked losing their jobs. According to a report during the year by SweatFree Communities, during the first six months of the year, 356 garment workers were killed in work-related incidents arising from unsafe work environments. The report singled out the garment sector for deadly fires and the collapse of buildings, including a February fire at the Garib and Garib Sweater Factory in Dhaka that killed 21 workers; locked exits that prevented workers from escaping the factory contributed to the death toll. On December 14, a fire at a factory owned by the Ha-Mim Group at Ashulia in Savar killed at least 31 persons; blocked exits and allegedly locked doors contributed to the death toll in this case as well, as some workers jumped to their deaths from the ninth and 10th floors.

A standard workday is eight hours, but workers 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 interim wages for the overtime work. A standard workweek is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. By law the average workweek should not exceed 56 hours. Workers must have one hour of rest if they work for more than six hours a day, a half-hour of rest for 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. Shop workers receive one and a half days off per week.

In practice these legal limits were routinely violated and enforcement of these provisions was weak. In the ready-made garment sector, employers often required workers to work 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time. It was common practice for employers to delay workers' pay for months and deny full leave benefits.

Forced labor among Bangladeshi workers overseas remained common, in part because the Government failed to exert effective controls on high recruitment fees and other forms of fraudulent recruitment.

BHUTAN

Bhutan is a democratic, constitutional monarchy with a population of approximately 700,000. The king, Jigme Khesar Namgyel Wangchuck, is the head of state, and executive power is vested in the cabinet, headed by Prime Minister, Jigme Thinley. The country held its first general election for the National Assembly in 2008. A European Union monitoring team reported that the elections generally met international standards, although the team noted problems with freedom of expression and association during the campaign. Security forces reported to civilian authorities.

Principal human rights problems included the regulation of religion and discrimination against the Nepali-speaking minority.

RESPECT FOR HUMAN RIGHTS

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

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

b. Disappearance.—During the year there were no reports of politically motivated disappearances.

The UN Human Rights Council's Working Group on Enforced or Involuntary Disappearances reported that it retransmitted five outstanding cases of disappearance from 2003 to the Government between November 14, 2009 and November 12; however, the Government had not responded by year's end. The cases were first transmitted to the Government in 2004. Four cases involved alleged members of the illegal United Liberation Front of Assam who were reportedly arrested by the country's army and subsequently handed over to the Indian Army. The fifth case concerned the publicity secretary of the National Democratic Front of Bodoland who was reportedly arrested by the army at a hotel in Thimphu and subsequently disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but the South Asia Human Rights Documentation Center (SAHRDC) received anecdotal information from Indian border towns that the Government detained Maoist leaders and denied them food and medical treatment.

Prison guards used torture on inmates. In a letter to Nebahat Albayrak, the chairwoman of the Foreign Affairs Committee of the House of Representatives in The Hague, the Bhutanese community in the Netherlands alleged that in the country's prisons "torture is extreme. Torture through mind control devices, electric ironing at the back, beating on the soles of the feet, hanging with heads down, water boarding, and wheel on the neck is common." The letter cited the case of Tek Nath Rizal, who reportedly spent 10 years in prison and alleged that beatings "were routinely carried out on a daily basis, and [detainees] were also forced to fight against each other. They were tied to a post outside the jail compound and left overnight in freezing temperatures."

Prison and Detention Center Conditions.—Inmates and members of civil society reported that prison conditions generally were satisfactory, and buildings and installations were in fairly good condition. According to the 1982 Prison Act, men and women should be detained separately, and juveniles (younger than 18) should be kept separate from adults. NGOs were unable to confirm reports that officials did not observe these provisions during the year.

Visitors were allowed reasonable access to prisoners and detainees. The Government allowed visitors from the refugee camps in Nepal access to prisoners in Chamgang Prison near Thimphu by providing them with transport to and from the India-Bhutan border.

In June the Government released a report on prisons to the National Assembly's Human Rights Committee. The report's recommendations included: improving infrastructure and facilities; building separate prison facilities for men, women, and juvenile delinquents; reducing overcrowding; establishing vocational training; and pro-

viding healthcare. While there were reports that prisons, with the exception of Chamgang, were in poor condition, there were no reports specifying inadequate provisions for sanitation, ventilation, temperature, lighting, basic and emergency medical care, and access to potable water. Authorities allowed prisoners to observe religious practices in Chamgang Prison.

The Government continued to extend the International Committee of the Red Cross (ICRC) prison visits program. During the year the ICRC visited 86 persons held at Chamgang Prison. However, the Government did not grant other international human rights groups prison access.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, the SAHRDC stated that its contacts in the country reported officials continued to detain 50 members of the Bhutan Communist Party Marxist-Leninist-Maoist, who were arrested in connection with bombings in 2008. No new information was available regarding their whereabouts or whether the Government brought official charges against them.

Role of the Police and Security Apparatus.—The Royal Bhutan Police (RBP) agency, which reports to the Ministry of Home and Cultural Affairs, is responsible for internal security. The Royal Bhutan Army is responsible for external threats but also has responsibility for some internal security functions, including conducting counterinsurgency operations, guarding forests, and providing security for prominent persons. The army and police both have procedures in place for conducting internal investigations of alleged officer misconduct; official courts of inquiry adjudicate the allegations. The king or other senior official makes the final determination of the outcome of a case. There were no reports that impunity was a problem.

The Government adopted the Royal Bhutan Police Act in 2009 to address human rights abuses by police. Under the act a Police Service Board, made up of senior police personnel, and a Ministry of Home and Cultural Affairs representative investigate cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP has institutional reviews, human rights training for its personnel, and accountability procedures. There were no reported incidents in which security forces failed to prevent or respond to societal violence.

Arrest Procedures and Treatment While in Detention.—Under the law police may not arrest a person without a warrant, and in practice police generally respected the law. According to the law authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Bail is available depending on the severity of charges and the suspect's criminal record, flight risk, and potential threat to the public. The law provides for prompt access to a lawyer provided by the state.

e. Denial of Fair Public Trial.—The Judiciary Services Act establishes the formal separation of the judiciary from the executive, setting professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary.

On February 21, according to the Annual Report for the Judiciary of the Kingdom, the Supreme Court was established with the appointment of the chief justice and three associate justices. The Supreme Court oversees the interpretation and application of the constitution and serves as the highest appellate authority. The NJC nominates, and the king confirms, judges to the high court and 20 district court justices. The king may remove, suspend, or censure judges only at the request of the NJC.

Trial Procedures.—The law stipulates that defendants must receive fair and speedy trials, and the Government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. There is no trial by jury. Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. Trials are conducted publicly, except for cases involving family law and juveniles. The law grants defendants and their attorneys access to state evidence; however, only the court can determine if there is a need to question witnesses, after which the prosecutor and defendants are allowed to conduct cross-examinations.

Courts try criminal and civil cases under both customary and the legal code. State-appointed Office of Legal Affairs (OLA) prosecutors are responsible for filing charges and prosecuting cases for offenses against the state. In other cases relevant organizations or government departments file charges and conduct prosecutions.

Although most litigants represented themselves before the court, the law provides for the right to representation in criminal cases, including provision of counsel for defendants who cannot afford representation. In practice there were no known 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. The law states that defendants may choose legal representation from a list of government licensed advocates, and the Government promoted the use of judiciary websites for legal information as a means of offering self-help to defendants. The OLA stated that most defendants sought professional legal assistance only in serious criminal cases. There were no reports that any groups were denied the right to trial.

Political Prisoners and Detainees.—The Society for Threatened Peoples reported to the UN Human Rights Council that at least 200 political prisoners remained imprisoned in the country. According to media reports, on December 9, expatriates from Europe and the Western Hemisphere submitted petitions to various human rights organizations and representatives, including the UN secretary general, seeking assistance in obtaining the release of hundreds of political prisoners, naming 89 prisoners specifically. The petitioners alleged that some political prisoners were held incommunicado and that international observers were denied access to them.

Civil Judicial Procedures and Remedies.—The Civil and Criminal Procedure Code (CCPC) governs the resolution of criminal matters and most civil matters. The CCPC states that a suit may be initiated by a litigant or a member of the litigant's family. Traditional Buddhist or Hindu law governs questions of family law. Village leaders adjudicate minor offenses.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that persons "shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence nor to unlawful attacks on the person's honor and reputation," and the Government generally respected these prohibitions.

While the law requires citizens to adhere to a national dress code in government buildings during daylight hours, NGOs reported that enforcement of this regulation varied by district and was relaxed due to international pressure. As a result the Government allowed individuals to wear casual dress in public.

The law bars non-Bhutanese individuals who are married to citizens from promoting a religion other than Buddhism. The 1980 Marriage Act also states that a Bhutanese married to a non-Bhutanese shall not be entitled to facilities enjoyed by other citizens, including the distribution of land, cash loans, and education or training abroad.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; but the Government sometimes did not respect these rights in practice. The Government restricted the ownership of media outlets and licensing of journalists.

A law adopted in 1992 prohibits criticism of the king and the political system, but criticism of the Government was allowed in some instances, including postings of criticism on government Web sites.

According to Freedom House's annual report, the media law adopted in 2006 led to the establishment of two independent radio stations, but did not provide specific protections for journalists or guarantee freedom of information. Two independent weeklies and a state-owned newspaper generally published articles favorable to the Government and covered criticism of the Government only occasionally.

Unlike in previous years, no journalists were arrested.

Shanti Ram Acharya, a journalist working for the Bhutan Reporter, a monthly periodical published by refugees in Nepal, was sentenced to seven and a half years in prison in January 2009. He had been arrested for alleged subversive activities (photographing an army outpost) while visiting the country and remained incarcerated at year's end.

Media sources suggested that while there is commitment at the highest levels to provide the media with information, some media professionals continued to find it difficult to get access to information from bureaucrats and public officials.

Internet Freedom.—Individuals and groups generally were permitted to engage in peaceful expression of views via the Internet, although there were some reports of

government restrictions. The Government continued to monitor material on the Internet and blocked what it deemed pornographic. According to the International Telecommunication Union, there were approximately 30,000 Internet users (0.4 percent of the population) during the year.

Academic Freedom and Cultural Events.—There were government restrictions on academic freedom or cultural events.

According to dissident groups, in predominantly Nepali-speaking areas in the southern portion of the country, local schools that were seized by the Government in the early 1990s now lay in ruins. The few children who were able to attend public schools were forced to learn in the Government-imposed language, practice the official religion, and follow its traditions. Unverified reports during the year, however, indicated that some relaxation in prohibitions against Nepali-language education has occurred.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right to assemble peacefully; however, the Government restricted this right. All protesters must first obtain government approval before staging public demonstrations. NGOs reported that no demonstrations occurred during the reporting period. According to Freedom House, in recent years security forces have arrested Southern Bhutanese refugees based in Nepal who entered the country to demonstrate for the right to return home.

Freedom of Association.—The constitution provides for freedom of association, and the Government permitted the registration of some political parties and organizations but only for groups “not harmful to the peace and unity of the country.” The Government regarded political parties organized by ethnic Nepalese living in refugee camps as illegal, terrorist, and antinational in nature. According to Freedom House, the Government did not allow NGOs that work on human rights, refugee issues, or other sensitive matters to operate legally and prohibits independent trade unions (see sections 5 and 7). The 2007 Civil Society Organization Act requires all new NGOs to register with the Government.

The Human Rights Organization of Nepal (HURON) reported that a Bhutanese official in October prevented the shipment of a ballot box to India during the Tibetan government-in-exile’s general election being conducted for the 1,298 Tibetan refugees residing in Bhutan.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, but the Government limited freedom of movement and repatriation in practice.

The law does not address forced exile, but the Government forced the majority of its Nepali-speaking population to leave the country in the early 1990s following a series of steps taken during the 1970s and 1980s to deprive the Nepali-speaking population of their citizenship. There were no reported cases of forced exile during the year.

As of December 31, 72,242 Bhutanese refugees were living in refugee camps in Nepal administered by the Office of the UN High Commissioner for Refugees (UNHCR). Resettlement of the refugees was announced by the Government of Nepal in November 2007. As of December 31, 41,462 Bhutanese refugees had been resettled in foreign countries, with 35,279 of those resettled in the United States.

The Government continued to criticize the UNHCR for its failure to screen individuals who entered camps in Nepal in the early 1990s to determine whether they were genuine citizens of the country. The Government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the country.

The Druk National Congress, a political organization operating in exile, reported that 30-year-old Bhim Bhadur Rai from Beldangi Refugee camp in Nepal was arrested on May 5, at the Indo-Bhutan border.

Protection of Refugees.—The country was not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. Its laws do not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees.

The Central Tibetan Administration reported that there were approximately 1,298 Tibetan refugees in seven settlements in Bhutan. Many Tibetan refugees in the past have accepted Bhutanese citizenship and many continued to seek citizenship. Tibetan refugees were permitted to travel to India freely but often could not obtain

security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses.

Stateless Persons—Implementation of a nationwide government census in 1985 resulted in the denationalization of many ethnic Nepalese in the country because land ownership documents from 1958 were required to receive citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The Government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements. Beginning in 1990 the Government expelled large numbers of ethnic Nepalese individuals under the 1985 citizenship law, many of whom resided in refugee camps in Nepal.

The law provides for 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.” The Ministry of Home Affairs later declared that any nationals leaving the country to assist “anti-nationals,” and the families of such persons, would forfeit their citizenship. The law permits reapplication for citizenship after a two-year probationary period. The Government reissues 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 no reports of successful application of this provision.

According to the 2010 UNHCR country operations profile for Nepal, there were approximately 89,000 Nepali-speaking Bhutanese refugees living in Nepal who did not have citizenship in any country and were thereby rendered stateless. According to the UNHCR, most of the refugees who arrived in Nepal between 1990 and 1993 were recognized on a prima facie basis. A large-scale resettlement program was initiated in 2007. As of September 2009, more than 78,000 refugees had expressed their interest in resettlement, and over 20,000 had left the camps in Nepal for third countries.

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

The country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament in 2008, marking the final step in the transition to a parliamentary democracy. The law provides limited rights for changing the Government, and it provides for a separation of powers. In February the country held a human rights workshop with government representatives from different institutions.

Elections and Political Participation.—In 2008 voters elected the country’s first National Assembly, the lower house of the parliament. The ruling Druk Phensum Tshogpa (DPT) party won 45 of 47 seats. Human Rights Watch reported that the Government excluded 13 percent of the Nepali-speaking population from voting because they were considered “non-nationals” in the 2005 census. Nonetheless, nine Nepali-speaking candidates were elected. International monitors reported that generally the elections were free and fair, met international standards for democratic elections, and formed a solid foundation for a credible democracy. There were no reports of irregularities during the election process, including restrictions on access to media, ballot stuffing, fraud, campaigning at polling stations, lack of ballot secrecy, family voting, intimidation, or violence.

In 2007 the Government began allowing political parties to register under the terms of a draft constitution. Three parties registered with the Election Commission, which disqualified the Bhutan People’s United Party (BPUP) for “failing to prove its credibility” as a national political party. The Election Commission indicated that BPUP candidates did not meet the commission’s education requirements. The Election Act specifies that candidates for parliament must have earned at least a bachelor’s degree to run for office. The Government took no action in response to the party’s appeal of the decision.

Other parties, such as the Druk National Congress, established in 1994, continued to claim that the Government denied independent parties the ability to operate effectively. Both parties that participated in the 2008 national elections—the ruling DPT party and opposing People’s Democratic Party (PDP)—had ties to the royal family. The Government regarded political parties organized by ethnic Nepalese living in refugee camps as illegal, terrorist, and antinational in nature. These parties, which sought repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

There are 25 members of the National Council, the upper house of parliament; the king appoints five members and the remaining members are elected. In 2007 elections for the National Council, voters elected three women, two Nepali speakers,

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. Women in parliament increased from 9 percent in 2005 to 14 percent during the year. There was no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

In September 2009 the Government passed the Local Governments Act, which established 20 local governments, one for each dzongkhags (province). The act calls upon the local governments to provide social and economic services and to promote the development and well-being of constituents. The act does not provide these governments with legislative powers but grants them the authority to collect taxes, make rules and regulations consistent with national legislation, and receive funds from the national government to fulfill their duties. Bhutanese officials confirmed in October that parliament's inability to form a consensus around the drawing of district lines continued to delay local elections. A date for local elections had not been scheduled by year's end.

Section 4. Official Corruption and Government 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 Government's Anti-Corruption Commission (ACC) is authorized to investigate cases of official corruption and allows citizens to post information on its Web site regarding corrupt practices. The National Council adopted the Anti-Corruption Amendment Bill of 2010 in September and the National Assembly passed the bill on December 3.

In October the ACC presented the Gap Analysis Report to the Government, which described the steps the Government needed to take to comply with the UN Convention Against Corruption. According to a November 2009 article in the *Bhutan Observer*, 428 complaints of corruption were made during the year to the ACC.

There is no law providing public access to government information, but NGOs reported that the Government regularly provided unclassified information upon request.

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

There were no independent human rights organizations operating in the country. The Government regarded human rights groups established by the exiled Nepali-speaking minority as political organizations and did not permit them to operate. The ICRC was the only human rights monitoring group officially operating in the country. According to international NGOs, local civil society organizations practiced self-censorship to avoid conflict with the Government, and the majority of them focused on women's rights or environmental issues.

Various civil society organizations functioned locally and informally. The Civil Society Organization (CSO) Authority was established by the Civil Society Act of Bhutan 2007. On January 18, the CSO Authority received staffing approval for its secretariat. The Government mandated the CSO Authority to oversee the accountability and transparency of civil society operations. Critics, including the Committee on the Rights of the Child, stated that they feared the CSO Act could result in restrictions on, rather than promotion of, independent civil society organizations.

On February 10, the Committee on Human Rights in the National Assembly conducted a workshop on human rights awareness that included participants from law enforcement, the judiciary, the ACC, National Commission for Women Children, and UN agencies.

Section 6. 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 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. There was no evidence that rape or spousal abuse were extensive problems, but NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights. Spousal rape is illegal.

The law protects against domestic violence. Penalties against offenders of domestic violence range from a jail sentence of a minimum of one month to a maximum of three years. Offenders are also fined a daily minimum national wage of 90 days. According to the Committee on the Elimination of Discrimination against Women (CEDAW), the Government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. The CEDAW committee expressed concern over reports of violence against women by their spouses or other family members and at work.

The Labor Employment Act has specific provisions to address sexual harassment in the workplace. The CEDAW expressed concern about the large number of reported sexual harassment cases in the workplace.

The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. According to World Health Organization (WHO) estimates, the maternal mortality ratio in 2008 was 200 deaths per 100,000 live births. WHO's figures from 2005 showed that skilled personnel attended 51 percent of births. In 2000 WHO stated that contraceptive prevalence was at 31 percent and information about, and access to, contraception was readily available. NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services, including for HIV/AIDS treatment and services.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but was rare. Marriages were arranged by the marriage partners themselves or by their parents. The law requires registration of all marriages with the Government.

Women were accorded respect in the traditions of most ethnic groups and participated relatively freely in the social and economic life of the country. Inheritance law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. 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. According to the Government's 2009 Labor Force Survey Report, 46 percent of the country's workforce was female. Dowries were not customary in the country.

The law mandates that the Government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and generally the law was enforced. The CEDAW reviewed the country during 2009 and commended the Government for establishing the National Commission on Women and Children (NCWC) Plan of Action for Gender and recognizing gender in the five-year plan of the Gross National Happiness Commission. The CEDAW expressed concerns, however, that the constitution does not adequately define discrimination to include both direct and indirect forms and noted that the Government failed to adopt implementation legislation for its international treaty obligations related to women's rights or to provide adequate resources to the NCWC to allow it to operate effectively.

The National Women's Association, one of the few registered NGOs, tried to improve women's living standards and socioeconomic status. The NCWC actively defended the rights of women and children during the year, although CEDAW questioned the limited resources of the NCWC and its potential lack of independence from government influence.

Children.—Under the constitution only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support Group, existing citizenship laws contained inadequate provisions for a child to acquire nationality at birth, and persons who are designated as “non-nationals” (for example, ethnic Nepalese Bhutanese) are rendered essentially stateless (see section 2.d.). Births in remote areas are less likely to be registered. NGOs asserted births of children to nonregistered ethnic Nepalese Bhutanese may not be registered. The failure of timely birth registration had negative consequences and made it difficult for some children to access educational and other services.

The Government provides 11 years of universal, free education to children who are recognized as citizens. Education is not compulsory, and some schools charged fees. In March the Ministry of Education reported that girls comprised approxi-

mately 50 percent of the enrollment in schools. The ministry's report stated that approximately 37 percent of university students were female and 45 percent of the students receiving scholarships to study abroad were female.

There is no law barring Nepali-speaking children from attending school, but there were unconfirmed reports that the Government denied "no objection certificates," which were necessary for admission to schools, to some Nepali-speaking children.

Child abuse was rare. Although corporal punishment is banned in schools, there were some incidents in schools and monasteries.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism.—The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—During the year there were no reports that persons were trafficked to, from, or within the country.

Persons With Disabilities.—The law does not specifically protect the rights of citizens with disabilities, but it does direct 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 the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but 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 schools, and foster community awareness and social integration. The approximately 22,000 (3.4 percent of the population according to the most recent estimates released in 2005) persons with physical disabilities living in the country lacked necessary infrastructure. The Royal Government of Bhutan does not have a government agency specifically responsible for protecting the rights of persons with disabilities.

There are three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There also were special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities.

National/Racial/Ethnic Minorities.—Organizations representing exiled Nepali-speaking Bhutanese claimed they were subjected to discrimination and prejudice in employment, but the Government stated they were proportionally represented in civil service and government jobs.

English and Dzongkha languages are the mediums of instruction taught in all schools. No instruction in Nepali as a second language was required or offered, although there were unconfirmed reports that some instruction in Nepali may have been permitted during the year. The Committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Same-sex relationships are illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. Under Article 213 in Chapter 14 of the Penal Code, a person can be imprisoned for as long as one year for engaging in "sodomy or any other sexual conduct that is against the order of nature." There were, however, no reported cases of such charges.

Other Societal Violence or Discrimination.—Different observers assessed varying levels of stigma associated with HIV/AIDS. Persons with HIV/AIDS received free medical and counseling services, and the Government maintained programs meant to prevent discrimination.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form workers' associations but does not allow for the formation of unions or for strikes. The law allows employees to form an association in one workplace if at least 12 employees join the association. The law was first tested in 2008 when national telecommunications employees decided to form an association after they accused management and the Government of discriminatory behavior in promotions.

The Human Rights Organization of Bhutan (HUROB) stated that there is a drivers' association and a contractors' association. Associations were subject to government interference. For example, in July drivers working for Hindustan Construction Company in a hydroelectricity project called a strike to demand a higher salary. During the strike Labor Minister Dorji Wangdi threatened to inform the police that their actions were prohibited.

b. The Right to Organize and Bargain Collectively.—The law does not authorize collective bargaining. The 2007 Labor and Employment Act grants workers the right to pursue litigation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor and there were no confirmed reports that forced or compulsory labor occurred during the reporting period.

d. Prohibition of Child Labor and Minimum Age for Employment.—According to the law, the minimum age of employment is 18 years, but child labor remained prevalent. However, the law allows for employment of children between the ages of 13 and 17 in environments that will not be harmful to their health or safety. Children younger than 18 often performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. UNICEF estimated that 19 percent of children between five and 14 years of age were child laborers. 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. According to a news article on September 27, the national minimum wage rate was Nu 3,000 (\$67) per month, and the labor minister stated that half the country's workers earned more than the minimum wage. The workday was defined as eight hours with a one-hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at 1.5 times the normal rate.

All citizens were entitled to free medical care. The Government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers were eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Existing labor regulations did not grant workers the right to leave work situations that endangered their 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 1.2 billion. The president, elected by an electoral college, is the chief of state, and the prime minister is the head of the Government. India's constitution—the source of authority—provides the legal framework for the guarantee of human rights through its Fundamental Rights and Directive Principles. Under the constitution, the 28 states have a high degree of autonomy and have primary responsibility for issues of law and order. President Pratibha Patil was elected in 2007 to a five-year term with 65.8 percent of the vote, and Manmohan Singh became prime minister for a second term following the Congress Party-led coalition's victory in the 2009 general elections, which were considered free and fair, despite scattered instances of violence. Separatist insurgents and terrorists committed numerous serious abuses. Security forces reported to civilian authorities; unlike in previous years, there were no reported instances of security forces acting independently of government authority.

Major human rights problems included reported extrajudicial killings of persons in custody, killings of protesters, and torture and rape by police and other security forces. Investigations into individual abuses and legal punishment for perpetrators occurred, but for many abuses, a lack of accountability due to weak law enforcement, a lack of trained police, and an overburdened court system created an atmosphere of impunity; lengthy court backlogs prolong the latter. Poor prison conditions and lengthy detentions were significant problems. Unlike in previous years (2008 and 2009), there were no instances of officials using antiterrorism legislation to justify excessive use of force; however, indiscriminate use of force by Border Security

Forces was a problem. Corruption existed at all levels of government and police. There were reports of delays in obtaining legal redress for past attacks against minorities. The law in some states restricted religious conversion, but there were no reports of convictions under these restrictions. Violence associated with caste bias occurred. Domestic violence, child marriage, bonded labor, dowry-related deaths, honor crimes, and female feticide remained serious problems. Separatist insurgents and terrorists in Jammu and Kashmir, the Northeastern States, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, and civilians. Insurgents engaged in widespread torture, rape, beheadings, kidnapping, and extortion. The number of incidents, however, declined compared with 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 numerous reports that the Government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents, especially in areas of conflict such as Jammu and Kashmir, the Northeastern States, and the Naxalite belt, where nongovernmental forces also committed such killings (see section 1.g.). According to the Institute for Conflict Management, as of October 17, there were 1,616 fatalities in the country—including members of security forces, individuals classified by the Government as terrorists, and civilians—which represented a decrease from 2,231 fatalities in 2009.

Most encounter killings, in which security forces and police extrajudicially killed alleged criminals or insurgents, occurred in areas in conflict, but the practice reportedly occurred elsewhere in the country as well.

In March a number of media outlets reported that in response to a Right to Information (RTI) request the National Human Rights Commission (NHRC) provided data indicating that 1,224 of the 2,560 police encounter cases reviewed since 1993 had been staged by security forces. Despite the NHRC's published recommendations that the Criminal Investigations Department investigate all police encounter deaths, many states did not follow the guidelines and continued to conduct internal reviews only at the discretion of senior officers. The Asian Human Rights Commission (AHRC) reported that on January 21 Manipur security personnel abducted and killed a shop owner in Chekon. Memcha Fazeruddin stated that her husband's body was returned with 15 bullet holes, but the body was clad in combat dress that was free of any bullet holes, which suggested tampering with the body. Police claimed that Fazeruddin had been shot in an encounter with troops from the 33 Assam Rifles in Kwakta Khuman and that they had found arms and ammunition on his body. In a meeting set up by community members, the Manipur chief minister assured Fazeruddin's wife that he would give her family compensation and find a suitable job for one of her relatives. The AHRC stated that the official did not offer to investigate the matter.

On March 14, according to the ACHR, members of the Manipur State Police Commando Unit arrested Chongtham Nanao. The next morning police informed the local village head that they had recovered a dead body from the location of an alleged exchange of gunfire between police and armed militants. Nanao's relatives later identified his body. The local media stated that a combined team of Thoubal Police Commandos and 21 Assam Rifles were involved in the killing.

Also according to the AHRC, on April 8, Irengbam Gunindro was abducted and killed in Manipur. The local police reported that evening that they had killed him in an armed encounter. On April 10, a local daily newspaper quoted the inspector general of the Assam Rifles as saying that the 28 Assam Rifles killed Gunindro in an encounter killing and that a nine-millimeter pistol had been recovered from Gunindro's body. According to his family, Gunindro had no known history of previous involvement with police and no known prior criminal record.

In September the state government reinstated the four police officials allegedly involved in the May 2009 killing of Neelofar Jan and Asiya Jan in the Shopian district of Jammu and Kashmir. On June 28, Shakeel Ahmad Ahangar, Neelofar's husband and Asiya's brother, filed a petition to reinstate inquiry into the killings of the two women. The petition remained pending before a Srinagar court at year's end. Relatives and police discovered the bodies of Neelofar and Asiya in a stream, and local residents and examining doctors alleged that Indian Security Forces gang-raped and killed Neelofar and Asiya. In addition several government officials stated that police involvement in the killings could not be ruled out. In July 2009 the High Court ordered the arrest of four police officers on charges of suppressing and destroying evidence in the case. In September 2009 the court granted bail to the offi-

cers, and the Central Bureau of Investigation (CBI) took charge of the case from the Special Investigation Team. In December 2009 the CBI submitted its report to the High Court, concluding the women died of drowning and ruling out foul play. The report prompted renewed protests and a general strike in the state. The CBI formally concluded its investigations into the incident, dismissing charges against police.

There were no updates in the May 2009 incident in which Mumbai police killed alleged criminal Anil Mhatre or the June 2009 incident in which Maharashtra police killed Vishwanath Munna Katari in Nasik.

On September 9, the CBI charged nine members from the Manipur Rapid Action Police Force with the July 2009 killing of Chongkham Sanjit in Imphal. Officials initially claimed they shot him after he fired on them, but a local photographer published pictures of the incident that showed police escorting Sanjit calmly into a pharmacy. When police emerged from the pharmacy, a witness photographed the officers dragging Sanjit's corpse to a waiting truck. Although the CBI charged them with the nonbailable offence of murder, none were arrested, and on September 27, the chief judicial magistrate granted them bail, despite the opposition of the CBI. At the end of the year, seven of the nine were suspended; two remained working as law enforcement officers.

Custodial deaths, in which prisoners were killed or died in police custody, also remained a serious problem, and authorities often delayed or failed to pursue prosecutions against members of the police or security forces. In April the AHRC reported that, "according to the [most recent] statistics submitted to parliament by the MHA . . . under the United Progressive Alliance (UPA) rule from 2004-2005 to 2007-2008, prison custody deaths increased by 70.72 percent"; there was no current data regarding custodial deaths. While the NHRC published guidelines that directed all the state governments to report to it within 48 hours all cases of deaths in police actions, state governments did not consistently comply with the guidelines. In addition the armed forces were not required to report custodial deaths to the NHRC, and the commission did not have the power to investigate the armed forces. The NHRC was empowered to seek only reports from the central government regarding deaths in custody, and the central government was not bound by its recommendations.

On April 11, according to a report in *India Today*, 28-year old Naresh Yadav died after spending a week in pretrial detention in Jamui prison (in the state of Bihar) on charges of being a Maoist. He had complained that his ribcage ached and was transported to a hospital, where he died a few hours later. Yadav's wife stated, "They tortured him in captivity. He succumbed to internal injuries."

On December 10, following a petition submitted by the deceased's relatives, the High Court of Kerala ordered the CBI to submit the case diary before the court in connection with the March 2009 custodial death of Sampath. Sampath died in police custody prior to his trial on charges of murder. According to media reports, an autopsy revealed Sampath had multiple injuries, including bleeding in the brain from head trauma. In May 2009 the Kerala High Court transferred the investigation from the state police to the CBI.

Security forces killed demonstrators during the year, including during the protests that occurred between June and September in Jammu and Kashmir (see section 1.g.).

On September 13, according to Reuters news service, four persons were killed in Kashmir when police fired on Muslim protesters who set fire to a Christian missionary school to denounce international reports that copies of the Qur'an had been defaced.

The Government made no progress in holding officials accountable for abuses that occurred during the period of the Punjab counterinsurgency between 1984 and 1994. In January the Human Rights Data Analysis group published research findings that supported claims by human rights groups that "more Amritdharis (or baptized Sikhs) were the victims of state-attributed lethal violence than non-Amritdharis, that most victims of state-based lethal violence were young males of military age, and that police, although claiming to carry out a focused counterinsurgency against members of the militancy, ended up killing and disappearing a sizable number of individuals who were not known to have any links to the militancy."

The Government made some movement in holding police and security officials accountable for killings committed during the Delhi anti-Sikh violence of 1984. On July 7, a Delhi court brought charges of murder and rioting against senior Congress Party leader Sajjan Kumar and others in connection with an incident in which six persons were killed in New Delhi. On September 20, the Supreme Court rejected Kumar's petition challenging initiation of criminal proceedings against him and directed the trial court to continue proceedings against him. The court had not issued a verdict in the case by year's end.

There were media reports and allegations by nongovernmental organizations (NGOs) of excessive use of force by the Indian Border Security Force (BSF) along the India-Bangladesh border. According to the NGO Odhikar, between 2000 and the end of the year, the BSF killed approximately 1,000 Bangladeshi nationals. The BSF usually explained these killings by stating that those individuals were evading arrest or that security force members had to fire in self-defense. Human Rights Watch (HRW) found that those who were killed had been armed only with sickles, sticks, and knives, which are tools commonly carried by villagers. HRW also reported that the BSF seldom mentioned injuries received by its own personnel, which suggested that the BSF may have used lethal force instead of attempting arrest. In many cases those killed had been shot in the back, indicating that they may have been shot while running away. There also were reports that Bangladesh Border Guards engaged in shootings along the border as well.

On January 21, according to Odhikar, a Bangladesh human rights organization, Indian forces detained and tortured a 15-year-old boy whose family lived adjacent to the border. The boy was swimming in the river that demarcates the border. After his release the boy died from the injuries that he reportedly sustained during torture.

On February 5, according to HRW, the BSF killed Bangladeshi Farid Hossian, who reportedly crossed the border illegally to transport a cow into Bangladesh. An autopsy revealed he had bullet wounds to his chest.

There was at least one killing during the year attributed to a political figure. On July 21, two individuals on a motorcycle, allegedly Shailesh Pandya and Pachan Shiva, shot and killed Amit Jethwa, an RTI Act activist. Jethwa was campaigning against illegal mining in the Gir forest and had filed a public interest lawsuit in the Gujarat High Court in June. Jethwa's lawsuit named politician Dinubhai "Dinu" Boghabhai Solanki and his family members as parties responsible for the illegal activity. On September 6, police arrested Shiva Solanki, Dinu's nephew, also a politician, based on reports that he had asked police constable Bahadursinh Wadher to arrange Jethwa's killing. On November 10, Gujarat police filed charges in the case. At year's end, the hearing had not begun, and Pandya, Shiva, Wadher, and Solanki remained in prison.

There were multiple killings related to societal violence, including honor killings and mobs killing members of Scheduled Castes (see section 6). According to the Ministry of Home Affairs' (MHA) most recent annual report, 125 persons died in violent altercations between religious communities in 2009.

Civil society activists continued to express concern about the Gujarat government's failure to arrest those responsible for communal violence in 2002 that resulted in the killing of more than 1,200 persons, the majority of whom were Muslim. In one instance in 2002, an armed group attacked the Gulberg Society, a lower middle-class Muslim neighborhood in Chamanpura, Ahmedabad. The attackers burned many houses, and at least 69 persons (including former Congress Party member of parliament Ehsan Jafri) died in the fires.

The Gujarat government appointed the Nanavati-Mehta Commission to investigate the violence in 2002, and the Supreme Court appointed a Special Investigative Team (SIT) in 2008. Several witnesses accused the SIT of pressuring them to change earlier testimony given before the commission. Many cases tried in Gujarat's lower courts resulted in acquittals as a result of a lack of evidence or changes in testimony. By the end of January, the Gujarat government completed paying compensation to the next of kin to all victims, including those of 228 missing persons whom the Government declared dead in February 2009.

During the year Citizens for Justice and Peace, an advocacy group for victims of the 2002 violence, raised doubts about the impartiality of the SIT investigations in 10 cases. On February 9, the Supreme Court appointed Solicitor General Gopal Subramanian to study the SIT reports, and it halted the Gulberg Society trial on March 15. On March 27, at the request of the Supreme Court, the SIT questioned Gujarat Chief Minister Narendra Modi regarding a complaint filed by Zakia Jafri, a survivor of the Gulberg Society events. Since 2006 Jafri had sought to register a formal complaint against Modi and 60 other high-level state officials for their alleged role in the 2002 violence. On April 6, the Supreme Court ordered the removal of two high-level officers from the SIT and, on May 14, ordered the appointment of two new officers. The SIT submitted its final report on the Jafri complaint to the Supreme Court on May 14. The court did not release the contents of the report to the public.

b. Disappearance.—There were reports that police throughout the country failed to file required arrest reports for detained persons, resulting in hundreds of unresolved and unreported disappearances. Police and government officials typically denied these claims. The central government reported that state government screening

committees that determined which detainees were eligible for release provided information about detainees to their families, but credible sources stated that families often needed to bribe prison guards to confirm detention of their relatives.

Disappearances attributed to governmental forces occurred in areas of conflict during the year (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, but many NGOs alleged that such practices were common, especially in areas of conflict (see section 1.g.). In December parliament passed the Prevention of Torture Bill to comply with the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, but a number of nongovernmental activists expressed concerns about the act's provisions. Activists were concerned that the act requires that complaints regarding torture be made within six months, that previous sanctions by appropriate government bodies must be sought before a court is empowered to consider a complaint, that the legal framework to address cases of torture is insufficient because there is no independent agency to receive torture complaints and conduct prompt investigations, and that there is no effective procedure for victims to receive redress and rehabilitation.

The law generally does not permit authorities to admit into evidence confessions that have been coerced, but NGOs and citizens alleged that authorities used torture to coerce confessions, which in some instances were submitted as evidentiary support for death sentences. Authorities allegedly also used torture to extort money or as summary punishment.

The ACHR stated in its April report, *Torture in India 2010*, “[t]orture in police custody remains a widespread and systematic practice in the country” and “[t]he lack of any effective system of independent monitoring of all places of detention facilitates torture.” NGOs asserted that custodial torture was common in Tamil Nadu, and credible sources claimed police stations in Punjab, Andhra Pradesh, Haryana, and Chandigarh used torture to obtain desired testimony. The AHRC claimed police used torture and assault in Kerala and Gujarat as a means of criminal investigation. While guidelines against torture exist, states reportedly continued to use it to extract information or obtain statements from those in custody.

A report by the AHRC detailed inhuman and degrading treatment of a woman from Delhi’s Mayapuri area. On May 22, the woman went to the Rajouri Garden Police Outpost in Delhi to inquire about her two sons (ages 10 and 12 years old) who had been detained at police station on accusations that they had stolen money. The AHRC stated that police used torture and abuse to force the 12-year-old boy to confess and return the money. On May 23, the officers reportedly forced the mother to strip naked and ordered her to have sex with her son. Upon her refusal one of the officers ordered the woman to have sex with him. The woman later filed a complaint with the Office of the Delhi Police Commissioner, who suspended three of the officers. The assistant sub-inspector who was in charge of the outpost was transferred as a result of the incident.

According to an October 29 report by *India Today*, an unknown source filmed three men in khaki clothing torturing a fraud suspect inside a police station in Punjab’s Jalandhar district. The report stated that police officers made the suspect lie face-down on the floor and beat him with belts, causing the victim serious injuries. The district police instituted a probe and suspended three police personnel after the film became public.

On December 22, Maharashtra police arrested sub-inspector Munir Shaikh in Mumbai on the charge of abetting the suicide of domestic worker Kunda Shinde. According to media reports, the inspector illegally detained Shinde on the basis of a theft complaint made by her neighbor. Police allegedly tortured her for two days, after which she committed suicide while in custody. Police arrested Shaikh for “abetment to suicide, wrongful restraint, and wrongful confinement to extort confession from a person.”

No action was taken by Delhi police regarding the human rights complaint filed in 2009 by Joel Elliott, a journalist who has written for *The Christian Science Monitor*, *The New York Times*, and other publications. Elliott suffered severe wounds on his head, legs, and back and a black eye when police allegedly beat and tortured him during the six to seven hours he was in custody.

On December 16, the Andhra Pradesh (AP) state government admitted that police tortured 21 Muslim detainees after the 2007 Mecca Masjid bombing; however, at year’s end the Government had not initiated criminal proceedings against any police officers involved. AP Home Minister Sabita Reddy stated that the Government was waiting for the final report of Justice V Bhaskara Rao commission’s probe into the events following the attack and that the Government would take action against any police officers found guilty of misconduct based on the report.

On October 25, the Supreme Court sentenced three police officers from Rajasthan for cutting off the genitals of a man suspected of having an illicit affair in 1994. The court sentenced Kishore Singh to life imprisonment, Sumer Dan to 10 years' imprisonment, and Sohan Singh to six months' imprisonment. In its decision overturning a high court verdict that had given lighter sentences, the Supreme Court stated, "Policemen who commit criminal acts deserve harsher punishment than others . because it is the duty of the policemen to protect the people and not break the law themselves."

NGOs claimed the NHRC underestimated the number of rapes that police committed. Due to the lack of oversight and accountability, some rape victims, especially if the perpetrator is a police or other official, are unlikely to come forward and report the crime; victims often feel shame and fear retribution. Many of the reported rapes by security forces occurred in relation to internal conflicts and insurgencies (see section 1.g.).

There were no updates in the investigation of the alleged gang rape by Madhya Pradesh police officers of a Dalit woman in Betul district in June 2009.

Despite an ongoing investigation, there were no updates to the 2008 case in which two commandos from the Haryana police allegedly raped a woman after pulling her out of a moving rickshaw.

Prison and Detention Center Conditions.—Prison conditions were frequently life threatening and did not meet international standards. Prisons were severely overcrowded, sanitation and other environmental conditions often did not meet international standards, and food and medical care were inadequate. The state's 64 prisons were designed to 40,000 prisoners but reportedly housed approximately 90,000 prisoners during the year. India Today also indicated that the average capacity of each of the 58 district jails, five central jails, and one model jail in the state's 73 districts was 500 to 800 inmates, but each contained approximately 2,400 to 3,000 inmates. According to the report, the overcrowding caused extremely inhuman conditions in most facilities, which reportedly caused high rates of disease and the deaths of an average of 300 inmates per year in the various state prisons.

In 2009 the NHRC asked Uttar Pradesh's director general of police for a detailed report concerning allegations that the conditions in Mirzapur prison for female inmates were extremely poor; that the prison lacked medical facilities; and that authorities were holding minor female prisoners with adult prisoners instead of in government homes for children, in violation of the law. At the end of the year, the NHRC had not published the report.

There was no information as to whether the Maharashtra health secretary had submitted to the Mumbai High Court a report on AIDS-related deaths in prison, pending at the end of 2009.

The physical status of the prison and detention center infrastructure often did not meet international standards. On December 8, the MHA informed parliament that according to the federal Home Ministry's National Crime Records Bureau (NCRB), at the end of 2008, the 1,356 prisons across the country were 30 percent over capacity. In 2008 there were 384,753 inmates despite an authorized capacity of 297,777, and there were 19,670 vacant prison staff positions. The NCRB did not release more recent statistics during the year.

Two-thirds of the prison population reportedly consisted of persons awaiting trial. Female prisoners accounted for approximately 4 percent of the total prison population, and juveniles composed less than 1 percent. Men and women were held separately. The law requires juveniles to be detained in rehabilitative facilities, although at times they were detained in prison, especially in the rural areas. Pretrial detainees were held with convicted prisoners.

Prisoners were permitted reasonable access to visitors, although some family members stated they were denied access to relatives held in detention, particularly in areas of conflict, including Jammu and Kashmir. Prisoners have the right to engage in religious observances, and in most cases that right was respected in practice. As in previous years, the Government allowed some NGOs to provide assistance to prisoners, within specific guidelines.

Investigations of the prisoner complaints were within the purview of the NHRC, which received and investigated prisoner complaints of human right violations throughout the year, but some activists indicated that many complaints were not filed due to fear of retribution by prison guards or officials. Most investigation findings and NHRC recommendations were published on the NHRC Web site; however, there were allegations by NGOs that investigations and recommendations of controversial issues were not disclosed.

Most state governments permitted prison monitoring by independent groups such as the International Committee of the Red Cross (ICRC) and the NHRC. During the year the central government rescinded the requirement of obtaining permission

prior to visiting the Manipur, Nagaland, and Mizoram, and the special permits are no longer required. In many states the NHRC made surprise visits to state prisons but not to military detention centers. The NHRC lacks jurisdiction over the armed forces and their detention centers.

According to the most recent statistics, in 2009 the ICRC visited 860 detainees and interviewed 826 individually during 73 visits to 36 detention centers. The ICRC was not authorized to visit interrogation or transit centers in the northeastern states of Manipur, Mizoram, and Nagaland. NGOs' observations of prison conditions often remained confidential due to agreements with the Government.

The NHRC had a special rapporteur to ensure that state prison authorities performed medical checkups on all inmates. The rapporteur visited prisons on a regular basis throughout the year.

A report released on March 31 by the Comptroller and Auditor General stated that the National Commission of Women (NCW) had failed to make the mandatory jail visits to assess the living conditions of women for the past four years.

In an effort to improve conditions, the MHA acknowledged in its 2009-10 annual report that prisons were overcrowded and required repairs and renovations, including improvements in sanitation and water supply. During the year the central government began implementing a plan to modernize the prisons. According to the MHA 2009-10 annual report, the plan had been implemented in 27 states and resulted in the construction of 99 new jails and 1,365 additional barracks in existing prisons.

In April Maharashtra State created an "open" prison for women in Pune, where reportedly women are to be offered paid employment opportunities outside jail premises under minimal supervision. Some prisons gained recognition for their efforts to help inmates gain useful skills during their time detained. In December the Bureau of Standards granted a quality license to the Indira Gandhi National Open University Centre at Tihar Jail (New Delhi), where inmates can enroll in degree or certificate programs.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both occurred during the year. The HRW country summary for the year described the situation as follows: "[p]olice abuses occur in part because of failure by the Government to properly train or modernize its police force. Police officers face dismal working conditions and recruitment lags far behind increasing duties, creating an overstretched force that is likely to take short-cuts to gain convictions. Embittered and overworked, the police regard themselves as enforcers of the law—but not beholden to it."

Police also used special security laws to delay judicial review of arrests. Pretrial detention was arbitrarily lengthy and sometimes exceeded the sentence given.

Role of the Police and Security Apparatus.—Although the central government provides guidance and support, the 28 states and seven union territories have primary responsibility for maintaining law and order. The MHA controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and it provides training for senior police officers of the state-organized police forces. According to HRW, cases of arbitrary arrest, torture, and forced confessions by security forces were common. Several laws, including part of the criminal procedure code and the Armed Forces Special Powers Act (AFSPA), were used to provide legal protection for members of security forces who violated human rights.

Officers at all levels acted with impunity, and officials rarely held them accountable for illegal actions. Military courts investigated cases of abuse by security officials. When a court found an officer guilty of a crime, the punishment often was a transfer.

According to the MHA's 2008-09 report, citizens filed 1,185 reports of human rights violations countrywide against army and central paramilitary personnel. Authorities investigated 1,162 cases, found 1,129 false, and judged 33 genuine. The military imposed penalties on 69 individuals and awarded compensation in six cases.

On September 7, Defense Minister A.K. Antony ordered a new inquiry into the death of Captain Sumit Kohli. The army claimed Kohli committed suicide while serving in Lolab Valley, Jammu and Kashmir in 2006, but family members claimed Kohli had been killed because he found out about an extrajudicial killing of four railway porters staged by his senior officers. On December 4, Kohli's mother rejected the claim by Antony that her son's death was suicide and announced to the media her intent to file a petition with the Punjab and Haryana High Court. At year's end the petition had not been filed.

On November 10, the Ministry of Defense informed parliament that the army had taken disciplinary action against personnel for violating human rights. Thirty-eight

officers, 12 junior commissioned officers, and 79 individuals of other ranks were found guilty of violations and given punishments including imprisonment, dismissal from service, or termination.

On January 6, in an effort to promote reform, the Indira Gandhi National Open University (IGNOU) announced the launch of sensitization programs for police officers. The NHRC and IGNOU agreed in 2009 to develop and conduct jointly courses for police personnel covering issues related to human rights and best practices. On December 11, IGNOU, in partnership with the MHA, announced an antitrafficking certificate course to accelerate improvement in the sensitization, awareness, and training of law enforcement officials, prosecutors, governmental departments, and NGOs.

Arrest Procedures and Treatment While in Detention.—Under the code of criminal procedure, a magistrate may authorize the precharge detention of an accused person for a period of no more than 90 days. Under the regular criminal procedure, the accused must be released on bail after 90 days. Article nine of the code prohibits arbitrary arrest or detention. Those detained on criminal charges must be promptly informed of the charges against them and of their rights to legal counsel. Article 39A of the constitution mandates free legal aid to the poor and weaker sections of society; however, need is not assessed systematically. By law authorities must allow family members access to detainees. In practice authorities granted access only occasionally. Arraignment of detainees must occur within 24 hours, unless the suspect is held under a preventive detention law.

Authorities could also arrest and detain individuals under several other laws. In a February 11 report, HRW stated, “[S]tate police, jail officials, and other authorities have committed a range of human rights violations, including arbitrary arrest and detention.” HRW called for the repeal of the “unlawful provisions of counterterrorism laws, including overly broad definitions of terrorism, expanded police powers of search and seizure, the presumption of guilt under certain circumstances, and draconian precharge detention periods.” The ACHR stated in its April report, *Torture in India 2010*, “There are no [legal] safeguards to ensure that a person taken into custody will have his detention recorded, have prompt access to a lawyer, or have an impartial medical examination upon his arrival at the place of detention or at the time of his release.”

In 2008 parliament passed the Unlawful Activities Prevention Act (UAPA), which gives authorities the ability to detain persons without charge in cases where insurgency or terrorism was suspected. Under the UAPA police can detain an individual without charge for up to 30 days. The UAPA also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). A court can authorize an initial period of 90 days precharge detention without special grounds and can extend detention for up to 90 days if the public prosecutor files a report with the court indicating the progress of the investigation. The UAPA also denies bail for foreigners and makes it easier for courts to deny bail in the case of detained Indian citizens. It presumes the accused to be guilty if the prosecution can produce certain incriminating evidence against the accused, such as the possession of arms or explosives or the presence of fingerprints at the crime scene, regardless of whether criminal intent exists.

State governments also held persons without bail for extended periods before filing formal charges under the UAPA. For example, Maharashtra police arrested four alleged Naxalite sympathizers (Arun Ferreira, Sridhar Srinivasan, Murali Ashok Reddy, and Vernon Gonsalves) under the UAPA in 2007. In December 2009 the four were acquitted in one of the cases against them. However, the four remained in a jail near Mumbai at year’s end.

In 2004 the Government repealed the Prevention of Terrorism Act (POTA), which created special courts, allowed the identity of witnesses to be withheld, and allowed admission into evidence of custodial confessions. By law, however, persons arrested under a prior law continue to be prosecuted under that law even after its repeal. There were conflicting reports during the year of how many persons remained detained under POTA. In 2008 Union Minister Kapil Sibal announced there were between 90 and 100 pending POTA cases.

During the year 85 Muslims detained in the 2002 Godhra train burning case remained in jail in Gujarat under POTA, despite a 2005 POTA review committee ruling that POTA did not apply to them, a 2008 ruling by the Supreme Court granting their release, and a Gujarat high court ruling in February 2009 that POTA charges did not apply to the accused and that they should be granted bail. Of the original 134 persons accused, 104 were formally charged, five died, and 14 were released on bail. By year’s end the trial in Gujarat had concluded, but judgment had not been released pending the Supreme Court’s permission to the lower court to announce the verdict.

The National Security Act (NSA) allows 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. The law stipulates that family members and lawyers can visit NSA detainees and that authorities must inform a detainee of the grounds for detention within five days (10 to 15 days in exceptional circumstances). In practice these rights sometimes were not enforced.

On July 18, the Tamil Nadu government detained film director Sebastian Seeman under the NSA. Seeman was trying to secure bail after being arrested on charges of engaging in inflammatory speech. After the court dismissed his bail plea, the city police commissioner ordered his detention under NSA. On December 10, the Madras High Court overturned the preventive detention of Seeman and ordered his release. Seeman was released from jail the same day.

On September 9, railway police arrested four poultry farm workers for allegedly placing stones on the railway track between Erode and Uttukuli stations in Tamil Nadu. The Erode district collector ordered the suspects be charged under the NSA. At year's end there was no further information about the four.

In June 2009 police detained five Manipur University students in Imphal under the NSA on charges of connection with militant organizations involved in the killing of a professor. On April 19, the court ordered the release of one of the students. At year's end the CBI continued to investigate the matter, and the other students remained in custody.

The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge or judicial review for as long as two years. During this time family members do not have access to detainees, and detainees do not have access to legal counsel. In 2005 the NHRC set guidelines regarding arrest under the PSA that included establishing reasonable belief of guilt, avoiding detention if bail is an option, protecting the dignity of those arrested, prohibiting public display or parading, and allowing access to a lawyer during interrogation. In practice police routinely employed arbitrary detention and denied detainees, particularly the destitute, access to lawyers and medical attention.

On February 24, the Jammu and Kashmir governor stated that 728 persons had been detained under the PSA during 2008-10. On December 29, a Kashmir newspaper reported more than 3,500 youths were arrested and 120 persons detained under the PSA during the June to September protests in the Kashmir valley.

In 2005 the Chhattisgarh state government enacted the Special Public Security Act (SPSA), which permits detention for as long as three years for loosely defined unlawful activities. NGOs criticized the law as overly broad. Human rights groups voiced concerns that the law criminalizes any support given to Naxalites (Maoists), even support provided under duress.

At year's end the Chhattisgarh High Court had not yet heard the petition filed by the People's Union of Civil Liberties (PUCL) in April 2009 challenging the SPSA's constitutionality. Police arrested PUCL human rights activist and physician, Dr. Binayak Sen in 2007 for alleged links with the Maoists. On December 24, the Raipur Sessions Court sentenced Sen to life imprisonment under the SPSA on the charge of sedition. Prominent intellectuals and members of the ruling Congress Party criticized the verdict.

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 the AFSPA the Government can declare any state or union territory a "disturbed area," a declaration that allows 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 for arrest. The law also gives security forces immunity from prosecution for acts committed under the AFSPA. There were no records available for acts committed under the AFSPA.

On September 29, the Jammu and Kashmir state government created two committees to review areas in the state in which AFSPA could be lifted; however, the committees did not meet during the year.

A number of arbitrary arrests occurred during the year. According to media reports, on January 31, Devi Singh Rawat, a human rights lawyer, was arbitrarily arrested for "voluntarily causing hurt to deter a public servant from his duty" and "assault or criminal force to deter public servant from discharge of his duty" during a fight between members of the public and police officials during Panchayati Raj Institution elections in the village of Palra. He was released on bail on February 2. NGOs claimed that his arrest was due to his work on human rights.

On April 9, according to the AHRC, security forces arrested 14-year-old Mushtaq Ahmad Sheikh for allegedly throwing stones in Srinagar. He was detained for eight days before being released on bail, but, on April 21, he was once again detained without charge or trial. At year's end he remained in jail.

On May 23, according to the AHRC, Central Reserve Police Force (CRPF) personnel killed Iskandar Ali Barbhuiy when they opened fire indiscriminately in Panchaboti, a small market place in Cachar, Assam. They later arbitrarily arrested Moniruddin Barbhuiya and Abdul Khalik. Police claimed they opened fire on and arrested the individuals due to suspicious behavior during a routine patrol of the market; witnesses said that the CRPF did not warn the people before approximately 10 CRPF started firing, causing all to run in panic.

In many states police made “preventive arrests” in the name of curbing public unrest. For example, in Maharashtra, on September 29, the day before the judgment on a contentious case that was to be delivered regarding the Babri Mosque-Ram Temple dispute in Ayodhya, Uttar Pradesh, Mumbai police officials detained approximately 4,000 individuals for one day, purportedly to “prevent disturbances.”

Arbitrarily lengthy detention was a major problem as a result of overburdened court systems and lack of sufficient safeguards and oversight of the law. On September 13, Chief Justice Kurian Joseph said the number of pending cases in the high court decreased from 54,000 in February to 45,000 in August. Some of the cases dated to 1987. The chief justice said the goal was to clear all pending cases up to 2001, bringing the number of pending cases to approximately 20,000.

The Government continued efforts to reduce lengthy detention and alleviate prison overcrowding by using “fast-track” courts, which specify a trial date or timeline and directions for case management and encourage use of bail. Critics contended that poor detainees were unable to make bail and would remain in detention. As of November 25, there were 1,292 functional fast-track courts across the country, which disposed of more than 16,000 cases in 2008 and 14,000 cases in 2009.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice, although citizens reported that judicial corruption was widespread. In Jammu and Kashmir, insurgents sought to threaten and intimidate members of the judiciary.

The legal system was seriously overburdened and lacked modern case management systems, often delaying or denying justice. The court system had an estimated backlog of 30 million cases; one estimate during the year was that courts would require 320 years to clear that backlog.

Many citizens reported that they offered bribes to move cases through the overburdened court system. In 2009 Minister of Law Veerappa Moily reported there were four million civil and criminal cases pending in the country’s 21 high courts and 27 million pending civil and criminal cases in the lower courts. According to Moily the average time for a case to work its way through court was 15 years.

There were allegations of bias in cases stemming from the 2002 Gujarat violence (see section 1.a.).

Trial Procedures.—The criminal procedure code provides for public trials, except in proceedings that involve official secrets, trials in which someone might make statements prejudicial to the safety of the state, or under provisions of special security legislation. Defendants enjoy the presumption of innocence and can choose their counsel. The state provides free legal counsel to indigent defendants, but in practice access to competent counsel often was limited, especially for the poor, and the overburdened justice system usually resulted in major delays in court cases.

The law allows defendants access to relevant government evidence in most civil and criminal cases; the Government reserved the right to withhold information and did so in cases it considered sensitive. While defendants have the legal right to question witnesses against them, in practice underprivileged defendants sometimes did not enjoy this right. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

Courts in Jammu and Kashmir often were reluctant to hear cases involving insurgent and terrorist crimes and failed to act expeditiously, if at all, on habeas corpus cases. According to a study by the South Asia Forum for Human Rights and the Centre for Law and Development, thousands of habeas corpus cases were pending in the courts throughout the Kashmir valley.

Political Prisoners and Detainees.—There were reports of political prisoners or detainees in the country. NGOs reported that the Jammu and Kashmir government held political prisoners and also temporarily detained hundreds of persons characterized as terrorists, insurgents, or separatists. Human rights activists based in Jammu and Kashmir estimated there were 150 political prisoners in detention, and on December 23, members of the central government in Jammu and Kashmir announced that 2,950 political detainees who were arrested during the June-September protests had been released while 50 remained in prison. Prisoners arrested under one of the special antiterrorism laws often were not formally charged, nor did their family or other visitors have access to them.

In West Bengal, 150 political prisoners remained in detention at year's end awaiting trial. Most were arrested in 2008 on charges of collaborating with the Maoists. On December 10, the prisoners at Mednipur Central Jail began a hunger strike protesting prison conditions and the noninitiation of court trials, and they demanded that a dialogue begin between the Government and the People's Committee Against Police Atrocities. The hunger strike continued at the end of the year.

In May All Parties Hurriyat Conference (APHC) chairman Mirwaiz Umar Farooq was placed under house arrest. Activists argued the arrest was made to prevent him from leading a rally to be held in Shopian in connection with the May 2009 killing of two women there (see section 1.a.). In August 2009 the APHC released a list of 19 activists arrested as a result of protests of the Shopian incident; the activists were all released within several days of arrest.

Kartam Joga, an indigenous political activist, arrested on September 14, remained imprisoned in Chhattisgarh at year's end on charges of collaborating with Maoists in ambushing and killing 76 CRPF personnel on April 6, murdering a leader of the ruling Bharatiya Janata Party Budhram Sodi in May, killing the father of a special police officer attached to the CRPF in August, and ambushing a truck and killing four persons in December 2009. Amnesty International maintained that the Government held Joga to prevent his peaceful political activities as an activist of the Communist Party of India (CPI) and an elected member of a local district government body and to deter him from defending the rights of adivasi (indigenous) communities.

At year's end the trial of Marimuthu Barathan, a Dalit supporter with the Human Rights Education and Protection Council, for his alleged involvement in a January 2009 triple murder case had not begun. In June 2009 authorities released Barathan from prison on bail.

Civil Judicial Procedures and Remedies.—The NHRC is an independent and impartial investigatory and advisory body. It has a mandate to address public servants' violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The NHRC has the ability to summon and enforce witness attendance, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for alleged wrongs by offering compensation to the families of individuals killed or harmed extrajudicially by government personnel; however, it cannot force the implementation of its recommendations. The NHRC is not empowered to address allegations against military and paramilitary personnel.

Nineteen states also have human rights commissions, which hold independent investigations but work under the NHRC.

On October 12, the NHRC chair reported that the NHRC received 82,021 complaints related to human rights violations in 2009-10, a decrease from the 90,946 complaints received in 2008-09.

Individuals or NGOs can file "public interest litigation" (PIL) petitions in any high court or directly in the Supreme Court to seek judicial redress of public injury. These injuries may have been a result of a breach of public duty by a government agent or as a result of a violation of a provision of the constitution. NGOs credited PIL petitions for making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these laws in practice; however, at times the authorities infringed upon the right to privacy. Police are required to obtain warrants to conduct searches and seizures, except in cases in which such actions would cause undue delay. Police must justify 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, and in terrorism cases under UAPA (amended), police are provided greater discretion to conduct searches and seizures.

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 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 telephone conversations, that evidence is generally inadmissible in court. The UAPA allows use of evidence obtained from intercepted communications in terrorist cases.

On January 8, the central government defended its November 2009 decision to ban prepaid mobile services in Jammu and Kashmir, explaining that terrorists used such services to detonate landmines targeting military convoys in the state. On January 21, the Government lifted the ban but placed strict conditions on telecommunications providers for verification of customers for both prepaid and postpaid connections. On June 29, the state government blocked mobile phone and messaging (SMS) services in the Kashmir Valley for one day to prevent further violence there but restored mobile services the next day.

On August 15, the Department of Telecommunications and the country's security agencies issued a warning to Research in Motion (RIM), the creators of the BlackBerry mobile device and its related services, that unlimited access to their devices was now a requirement. The department declared that if RIM did not grant unconstrained access to e-mails, text messages, and other communications in real time, the Government would ban their services. On October 15, the Prime Minister's Office intervened, delaying the deadline from October 31 to January 31, 2011. At year's end RIM and the Government remained in negotiations, and BlackBerry service continued uninterrupted.

g. Use of Excessive Force and Other Abuses in Internal Conflicts—During the year the country's armed forces, individual states' security forces, and paramilitary forces continued to engage in armed conflict with insurgent groups in Jammu and Kashmir, in several northeastern states, and in the Naxalite belt in the central and eastern parts of the country. All parties to the conflict used excessive force on occasion, killing and injuring conflict participants and civilians. The central and state governments and the armed forces investigated complaints and punished human rights violations committed by their own forces, and they arrested and tried insurgents under terrorism-related legislation. Investigations and prosecutions into human rights violations, however, were slow and few in number. There was no evidence that insurgent forces made attempts to prevent or punish human rights violations by their members.

In November the Ministry of Defense informed parliament there had been 230 complaints of human rights violations lodged against armed forces personnel in the country since 2007. Of those complaints, 175 personnel were demerited (mark on permanent record), and in four cases eight personnel were found guilty and punished. In Jammu and Kashmir, between June and September, security forces killed demonstrators during protests and injured many others. According to the Government, many of the protests turned violent after protesters threw stones and rocks at security forces, and security forces retaliated with excessive or deadly force. Deaths and injuries to protesters, including a number of children, spurred anger and renewed protests, deepening a cycle of violence. The MHA reported 101 civilians were killed from June 11 to October 31. In September the Government sought to calm tempers through dialogue, by releasing arrested protesters and providing financial compensation for deaths. During the violence the state government arrested 2,266 individuals; 81 of them were charged under the PSA for leading the protests.

On October 6, Jammu and Kashmir Chief Minister Omar Abdullah stated that his government had ordered judicial inquiries into 13 cases of alleged human rights violations in the state in the past 20 months and an inquiry commission into 17 cases of civilian casualties during disturbances between June 11 and July 29.

The conflicts in Jammu and Kashmir also resulted in the mistreatment and abuse of individuals. On April 1, the Jammu and Kashmir State Human Rights Commission informed the state assembly that there were 404 cases of human rights violations, including six rapes, 43 disappearances, and six custodial deaths in 2008-09, 11 of which were specific complaints against paramilitary forces and the Jammu and Kashmir police. In three cases the army courts-martial court granted permission for the prosecution of the violators.

The army prosecuted and punished some soldiers for human rights violations; on October 20, the army's Northern Command informed the media that 104 soldiers, including 48 officers, had either been dismissed from service or suspended for human rights violations in Jammu and Kashmir in the last 20 years. However, government investigations generally revealed a large percentage of the claims to be false and unjustified. The Northern Command reported that their investigations determined 97 percent of the 1,508 claims it investigated over the past 20 years were false. Similarly, on March 2, the Jammu and Kashmir government stated that as many as 384 complaints of the 623 human rights violations made to the State Human Rights Commission in the past two years were found to be false.

The MHA's most recent annual report showed a decline in the number of violent incidents and people arrested and killed in the Northeastern states, where a variety of ethnic groups sought independence or greater autonomy. According to the United NGO Mission of Manipur, human rights violations and excessive use of force by federal security forces in the state decreased, but there was an increase in the number of human rights violation committed by local security forces.

In West Bengal's Naxalite (Maoist) affected districts, there were continued reports of excessive use of force by security agencies. The Andhra Pradesh police noted that large-scale Maoist (Naxalite) violence had declined in the state during the year, although there was a marginal increase in targeted killings as compared with 2009.

Killings.—According to the South Asia Terrorism Portal (SATP) database, total terrorism and insurgency-related fatalities continued to decrease from the previous year. There were reports that government security forces committed extrajudicial killings of persons in custody, including staging encounter killings to cover up the deaths of captured militants. Human rights groups claimed police refused to turn over bodies in cases of suspected staged encounters. In 2002 the Supreme Court ordered the central government and local authorities to conduct regular checks on police stations to monitor custodial violence, but government officials often failed to comply with the order. The armed forces are not required to report custodial deaths to the NHRC.

The Institute for Conflict Management reported as of October 17, there were 375 fatalities in Jammu and Kashmir, including 270 alleged terrorists, 69 members of the security forces, and 36 civilians.

There was no information about fatalities related to insurgencies during the year in the Northeastern States; they dropped from 1,054 in 2008 to 843 in 2009.

The ACHR reported that casualties among civilians and security forces resulting from Naxalite (Maoist) violence across at least 15 states exceeded those resulting from violence by separatist insurgents in Jammu and Kashmir. The SATP database reported that during the year 990 persons—including 212 militants, 250 security force personnel, and 528 civilians—were killed as a result of Naxalite (Maoist) violence. Maoist-related fatalities in West Bengal, which had the most civilian fatalities during the year, have increased exponentially since 2005.

On January 24, according to media reports, security forces allegedly used civilian Mushtaq Ahmad as a human shield. Police said he was caught in the exchange of gunfire during the operation to flush out insurgents at Karimpura village in south Kashmir's Pulwama. Locals, however, alleged that Mushtaq, son of the village headman, was used as a human shield against a barrage of fire directed at the forces.

On February 3, crossfire between security forces and United Liberation Front of Asom militants in Udaigiri district, Orissa, killed 10-year-old student Lakhya Jytoi Deka.

On February 5, 17-year-old Zahid Farooq was shot dead in Srinagar. Police investigations found the involvement of BSF personnel in the crime. Two months after Farooq's killing, which sparked widespread protests, the Jammu and Kashmir police charged BSF Commandant R K Birdhi and Constable Lakhvinder Kumar Singh with the murder. The killing of Zahid Farooq followed the death of 14-year-old Wamiq Farooq on January 31, who died when he was struck by a tear gas canister as police tried to disperse a crowd protesting Indian rule in Kashmir.

On April 24, personnel of the Rashtriya Rifles paramilitary force allegedly killed civilian Ghulam Muhammad Kalas and injured four others in Shopian district, Jammu and Kashmir. The NHRC sought a detailed report from the central government regarding the allegation. At year's end there was no further update.

On May 29, an army major, a special police officer, and three army soldiers, were charged with murdering three civilians—Shahzad Ahmad Khan, Riyaz Ahmad Lone, and Muhammad Shafi Lone—on April 30. The officials allegedly promised the civilians a wage of 2,000 rupees (\$45) per day to work as army porters in the Machil sector of the Line-of-Control. Instead, they took them to Sogam village and shot them. The accused claimed the civilians were armed terrorists who died in a foiled infiltration attempt. Army investigators established that security forces killed the villagers extrajudicially, and the Jammu and Kashmir government owed the families compensation. On August 14, the media reported the victims' kin had received unsigned checks for 100,000 rupees (\$2,222). The Government administrators promised to reissue the checks, but there was no information about whether they had done so by year's end.

On July 15, police charged 11 persons, including a colonel and two majors from the army, in connection with a fake encounter case that led to the killings of three youths in the Kupwara district, Jammu and Kashmir, on April 30. The 11 were charged with allegedly conspiring and kidnapping the three youths on the pretext

of giving them jobs and later killing them in the higher reaches of Kupwara, claiming they were terrorists.

On July 25, police allegedly tortured to death Tariq Ahmed Dar from Varmul District, Jammu and Kashmir, in custody. Police claimed he was a Laskar-e-Toiba (LeT) operative. His family filed a formal complaint, and at year's end investigations continued.

On September 30, soldiers from the Nagaland unit of Indian Reserve Battalion shot at a vehicle and killed its two occupants near Balarampur town of West Bengal's Purulia District, reportedly without provocation. There were also reports of abuses by armed militias ("harmads"), affiliated with the CPI-M party, in West Bengal.

There were no developments in the case of police allegedly killing 19 persons in a staged encounter in Chhattisgarh in January 2009. Police claimed that Naxalite insurgents engaged them and that they recovered large amounts of explosives and weapons. Local villagers and journalists claimed, however, that the persons killed by police had no connection to Naxalites. According to villagers' reports, 150 to 170 special police officers assembled villagers and forced them to put on Naxalite uniforms before shooting them. Villagers also alleged the officers raped female victims. At year's end the case continued in the state's high court.

There were no developments in the January 2009 report of the army's high-level inquiry into the shooting death of Abdur Ahad Reshi, a deaf and mute man in Veer Saran Pahalgam in Kashmir.

In March 2009 the army ordered disciplinary action against three soldiers found guilty of killing two civilians in February 2009 in Bumai, Jammu and Kashmir. Army authorities initially claimed the victims died as a result of an exchange of gun fire between militants and security forces. An army inquiry determined, however, that the three soldiers did not exercise adequate restraint in the use of their weapons.

There were no updates regarding the March 2009 report that CRPF members killed Sahbir Ahmad Ahangar in Nowhatta, Jammu and Kashmir.

In May 2009 the army ordered an inquiry into the alleged custodial death of Manzoor Ahmed Beig, who was found dead after Special Operation Group (SOG) inspector Khurshid Ahmad had summoned him to the SOG camp. At year's end Ahmad remained under suspension, but criminal proceedings had not been initiated against him.

In September the Assam government paid 500,000 rupees (\$11,000) each to the families of Ram Nath Chauhan and Jawahar Singh Gour, following recommendations of the NHRC. The two were victims of excessive use of firearms against protesters by police in Kabi Anglong district in 2008.

On July 26, the family of Jalil Andrabi, human rights lawyer and activist, filed a petition before the Budgam chief judicial magistrate for further investigation into Andrabi's 1996 death in Srinagar, Jammu and Kashmir. The city court replied that it did not possess the power to reopen the case.

On February 21, the Jammu and Kashmir State Human Rights Commission sought sanction from the MHA and Ministry of Defense to prosecute two army officers indicted in the custodial killing of Muhammed Ayub Bhatt in 1991.

Insurgents in the three conflict zones also committed killings during the year.

On March 16, insurgent forces attacked a group of policemen in Baramulla district, Jammu and Kashmir, killing one policeman and one civilian and injuring six others.

On April 6 and 10, Naxalites killed 75 and 76 police personnel, respectively.

On May 2, two grenade blasts by insurgent forces in Doda district, Jammu and Kashmir, injured four civilians, including two children.

On May 17, Naxalites blew up a private bus killing more than 40 persons, including 18 local special police officers, in Dantewada, Chhattisgarh.

On May 28, the Gyaneshwari Express derailed in West Bengal, resulting in the deaths of 148 passengers. It was disputed as to whether sabotage or a bomb caused damage on the railway track, which in turn led to a train's derailment before an oncoming freight train hit the loose carriages. An inquiry by the railway blamed "sabotage" for the train accident. The Maoist-backed People's Committee against Police Atrocities claimed responsibility. Police arrested several leaders with Maoist links, and on August 27, key suspect Umakanto Mahato was killed in an overnight encounter in Mohanpur forest.

On May 3, a special fast-track court in Mumbai found Mohammed Ajmal Amir Kasab, the lone LeT terrorist captured alive from the 2008 terrorist attacks in Mumbai, guilty of murder and waging war against the country and sentenced him to death. On October 18, the Mumbai High Court began hearing an appeal filed by Kasab against the death penalty. At year's end there was no verdict.

Abductions.—Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Jammu and Kashmir, the North-eastern States, and the Naxalite belt. Human rights activists feared that some of the unacknowledged prisoners were tortured or killed during detention.

Estimates of the number of missing persons varied. Human rights organizations stated there were 8,000 to 10,000 people missing in custody in Jammu and Kashmir. The Jammu and Kashmir government reported in 2009 that 3,429 persons were missing from their homes and 110 disappeared after arrest from 1999 to July 2009. During the year the Jammu and Kashmir government revised these figures and reported that 1,105 persons had disappeared from the state since 1989.

The Jammu and Kashmir Human Rights Commission handled 43 disappearance cases in 2008-09. During the year there were no verifiable, documented disappearance cases involving security forces, police, or Naxalites.

On August 3, personnel from the 12 Maratha Light Infantry arrested Leimakhujam Kokulo Singh at a checkpoint near Patsoi Lai Umang along the Imphal-Sangaithel Road. Kokulo was returning home with his wife and sister in an auto rickshaw. According to witnesses, security forces asked him to exit the vehicle, questioned and searched him, and dragged him into a white vehicle. The army did not issue an arrest memo, which is mandatory according to the guidelines of the Supreme Court. Kokulo's whereabouts remained unknown at year's end.

On July 2, the Central Information Commissioner, Wajahat Habibullah, summoned to Delhi two top officials of the BSF in Jammu and Kashmir to provide information regarding the alleged disappearance of Muhammed Ashraf Yatoo in 1990 from Bandipora, Jammu and Kashmir. The BSF officials were summoned after Kashmir-based activist Raja Muzaffar Bhat filed an RTI request regarding Yatoo's death. No further action was taken against the BSF.

Naxalites also abducted individuals during the year. On August 29, Naxalites abducted four policemen in Lakhisarai District, Bihar. The insurgent group killed one but released the others on September 6. According to media reports, the abduction was in retaliation for the July security force killing of Naxal leader Cherukuri Rajkumar (alias Azad).

In October Naxalites abducted an intelligence officer and a teacher in West Bengal. At year's end their whereabouts were unknown.

Physical Abuse, Punishment, and Torture.—There were reports that government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. All parties to the conflicts injured civilians on occasion.

The NHRC looked into media reports and photographs that were published on June 18 of what appeared to be security force members carrying the dead bodies of Naxalites, including women, with their hands and feet tied to bamboo poles. It was alleged that the photographs were taken following an anti-Maoist operation in West Midnapore, West Bengal. The security members included members of armed CRPF counterinsurgency units and West Bengal police. The NHRC requested and received a report on the matter from the MHA and closed the case; a PIL petition requesting the reason why the security forces transported the dead bodies in such a manner was pending before the Kolkata High Court at year's end. The Government of West Bengal stated that security personnel had no intention of carrying the victims trussed in bamboo poles but were forced to as they were facing a hostile situation. At year's end the Kolkata High Court had held two sessions but had not pronounced a verdict.

On September 5, police registered a case against Battalion 46 of the Rashtriya Rifles for opening fire and causing injury to five civilians in Baramulla, Jammu and Kashmir.

On September 14, Amnesty International urged authorities to carry out an effective investigation into a three-minute video clip, allegedly recorded by one of the security force members, that showed Jammu and Kashmir police and CRPF personnel herding at least four naked youth to a nearby police station.

Unlike in the previous two years, there were no reports of significant violence against out-of-state migrants by the regional political party Maharashtra Navnirman Sena (MNS). Investigations continued in the violent incidents perpetrated by MNS members in 2008 and February 2009. Several MNS activists were arrested, but at year's end they were released on bail.

Child Soldiers.—There were no credible reports of any government security forces using child soldiers during the year; however, insurgent groups reportedly used child soldiers. According to an April 13 UN secretary-general report on children and armed conflict, there were reports that Naxalites recruited and used child soldiers, especially in Chhattisgarh. According to an October 2009 MHA statement, intel-

ligence information indicated forced recruitment of children by the Naxals in areas south of Chhattisgarh. In 2008 the NHRC stated that the Naxals forced many families to send at least one adolescent boy or girl to join their ranks. NGOs alleged that militants often used children as shields against government security forces. The UN conducted investigations into these allegations throughout the year.

On November 23, the media reported on the escape of a 13-year-old tribal girl from a Maoist hideout near Bankura, West Bengal.

Other Conflict-Related Abuses.—The conflicts in Jammu and Kashmir, the Northeastern States, and the Naxalite belt have displaced an estimated 621,000 persons; most remained without permanent homes during the year.

In the Kashmir Valley region, from 1990 onwards, Islamist militants threatened, abducted, and killed Pandits and demanded that they leave. Tens of thousands of Kashmiri Pandits fled to Jammu, Delhi, and other areas in the country because of conflict between the Indian army and Muslim insurgents. As of June, 250,000 Kashmiri Pandits were displaced, most of them in camps in Jammu and Delhi. During the year protests in the Kashmir Valley region against Indian rule continued to make their return unlikely. According to the MHA's 2009-10 annual report, there were 57,863 Kashmiri Pandit migrant families, of whom 37,285 resided in Jammu, 19,338 in Delhi, and 1,240 in other states and territories. A February 2009 survey found 2,865 Kashmiri Pandits residing in Jammu and Kashmir, compared with 19,900 in 1998. The Governments of Jammu and Kashmir, the National Capital Territory of Delhi, and other states and territories provided aid to resident Kashmiri Pandit displaced families.

In response to the deteriorating conditions of the camps, in 2004 the prime minister announced the construction of approximately 5,000 apartments for the Kashmiri Pandits, scheduled to be inhabited as of December; however, as of June only half had been completed. The plan was based on the assumption that all displaced Kashmiri Pandit families would eventually return to Kashmir.

In the Northeast, violence between communal groups in the states of Assam, Manipur, and Mizoram displaced more than 25,000 persons from January 2009 through June; more than 202,000 remained displaced from previous incidents of communal violence from as early as 1993. According to the MHA's 2008-09 annual report, the central government began discussions with the northeastern state of Mizoram regarding repatriation to Mizoram of 32,500 Brus (also known as Reang) internally displaced persons (IDPs) living in six relief camps in Tripura. In 2005 the Supreme Court ordered the MHA, the election commission, and the Governments of Mizoram and Tripura to resettle approximately 30,000 displaced Brus (Reangs) and add them to the electoral rolls. A 2007 survey by the Mizoram Bru Displaced Peoples Forum (MBDPF) of 5,328 families found that more than 94 percent of camp inmates possessed at least one document issued by national or Mizoram authorities proving they were residents of Mizoram State. The first phase of the resettlement was delayed due to a November 2009 arson following the killing of a Mizo youth, which resulted in renewed Mizo-Bru violence and the displacement of an additional 5,000 Brus from Mizoram to Tripura. On May 1, 115 Brus displaced to Tripura in 2009 returned to Mizoram. As of August a census performed by the MBDPF counted 31,703 Brus remaining in camps in Tripura. Most had been displaced in 1997; 2,183 were displaced in 2009.

In central India armed conflicts over land and mineral resources in tribal forest areas continued, and fighting between Naxalite (Maoist) insurgents and government security forces, supported by state-supported, civilian anti-Naxalite Salwa Judum militia and Special Police Officers, affected more than 200 of the country's 626 districts in 20 of its 29 states. Most of the conflict areas overlap with the Dandakaranya forest, which covers parts of West Bengal, Jharkhand, Orissa, Chhattisgarh, Andhra Pradesh, and Maharashtra. The forest also has large deposits of mineral resources, such as bauxite, iron ore, and uranium, and is home to millions of tribal people. The Ministry of Rural Development in 2009 estimated up to 400,000 individuals have been displaced since the conflict began.

In 2009 the Government initiated Operation Green Hunt against Naxalites in Chhattisgarh, Jharkhand, Orissa, and West Bengal, including in the Dandakaranya forest. Human rights advocates argued that the operation seeks not only to suppress the Naxalites but also to force these tribal people off their land, allowing for commercial development. Also in 2009 the British newspaper *The Guardian* reported that the Government had signed several hundred memorandums of understanding with companies to build power plants, dams, and steel factories in the affected areas.

IDP camps that opened in Chhattisgarh for displaced tribal persons caught in fighting between Naxalites and the Salwa Judum in 2006 continued to operate. A 2008 NHRC report identified 23 government relief camps, with an estimated camp

population of 40,000 IDPs, reduced 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 some men, women, and children from the camps were trafficked for labor and sexual exploitation. Some sources alleged that both Naxalites and Salwa Judum activists armed displaced children, but there was no confirmed evidence. Police acknowledged that some displaced minors may have been armed unintentionally by police officers but stated that police dismissed minors upon learning their ages. NGOs alleged that hundreds of Chhattisgarh IDPs settled in forest reserve areas in Andhra Pradesh were denied basic assistance, including food, water, shelter, medical facilities, and sanitation. Little was known about the population or their living conditions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and expression, but it does not explicitly mention freedom of the press. While the Government generally respected freedom of speech and press in practice, certain forms of expression, such as obscenity or speech that the Government feared might disrupt public order, are not protected. In addition both the state and central governments imposed restrictions on media in Jammu and Kashmir during the violent protests in the summer as they attempted to restore law and order.

Individuals could generally criticize the Government publicly or privately without reprisal; however, on June 29, the Jammu and Kashmir government blocked SMS in North Kashmir and, on June 30, expanded its blockage to all parts of Jammu and Kashmir. Official justified the blockage as a measure to prevent “antinational” elements and separatists from “misusing” the service. The ban was lifted on December 22.

In October law enforcement authorities began investigating writer and activist Arundhati Roy and four others for sedition regarding public comments they made regarding the status of Jammu and Kashmir. At year’s end no charges had been filed against Roy or the others.

The independent media were active and expressed a wide variety of views without restriction. Independent newspapers and magazines were regularly published, and television channels broadcast investigative reports, including allegations of government wrongdoing. The media generally promoted human rights and criticized perceived government violations.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses authorized only entertainment and educational content. With the exception of radio, foreign media generally operated freely. Widely distributed private satellite television provided competition for Doordarshan, the Government-owned television network. There were allegations that the Government network manipulated the news. Some privately owned satellite channels promoted the platforms of political parties their owners supported.

The Press Council, a statutory body of journalists, publishers, academics, and politicians with a government-appointed chairman, investigates what it considers irresponsible journalism and sets a self-regulated code of conduct for publishers. The code includes injunctions against publishing stories that might incite caste or communal violence. The council publicly criticized those it believed had broken the code.

On July 1, the Jammu and Kashmir government banned publication of three daily newspapers after allegations of inflammatory reporting. The ban was lifted on July 6.

On July 30, the Jammu and Kashmir government banned transmissions of two local television channels accused of broadcasting “provocative” telecasts and creating law and order problems. The channels allegedly violated the 1995 Cable Television Network (Regulation) Act and were restricted to broadcasting news for only 15 minutes at a predetermined time.

Journalists experienced violence and harassment as a result of their reporting during the year.

On January 7, police in Srinagar fired upon Amaan Farooq and Yawar Nazir after demanding the journalists cease photographing the scene following a battle between police and armed militants. Police assaulted three other journalists at the scene.

On March 3, unidentified men attacked the Mangalore offices of Kannada Prabha and New Indian Express, reportedly in response to an article written by Bangladeshi writer Taslima Nasreen that argued against the wearing of the burqa. Protests against the publication allegedly led to street violence in Shimoga and Hassan that killed two persons.

On April 26, security forces in Srinagar beat Gowhar Bhat for covering a demonstration of the People’s Democratic Party.

On July 12, the Government refused to renew the work visa for Japan Broadcasting Corporation New Delhi bureau chief, Shogo Takahashi, purportedly due to his documentary programs that touched on the caste system.

Local media reported 12 attacks and six instances of intimidation against journalists in Orissa from January through July.

The central government banned some books from being imported or sold in the country because they contained material that government censors deemed inflammatory and apt to provoke communal or religious tensions.

Internet Freedom.—There were some government restrictions on access to the Internet and reports that the Government occasionally monitored users of digital media. A 2008 amendment to the Information Technology Act reinforced the Government's power to block Internet sites and content, and it criminalized sending messages it deemed inflammatory or offensive. Both central and state governments have the power to issue directions for the interception, monitoring, or decryption of computer information. The Information Technology Ministry is responsible for enforcing the rules and regulations.

According to International Telecommunication Union statistics during the year, 6.9 percent of the country's inhabitants used the Internet. Lack of infrastructure limited public access to the Internet, but large segments of the population (706 million) had mobile phones and used SMS to send and receive information.

On August 20, the central government delayed implementation of a ban on BlackBerry devices (see section 1.f.).

Academic Freedom and Cultural Events.—The Government continued to apply restrictions to the travel and activities of a few visiting experts and scholars. Academic guidelines issued by the Ministry of Human Resources Development in 2003 required all central universities to obtain the ministry's permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. Although the restrictions remained in force, in most cases the ministry permitted the international academic exchanges to take place after bureaucratic delays.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedoms of assembly and association, and the Government generally respected these rights in practice.

Freedom of Assembly.—The law provides for freedom of assembly. Authorities normally required permits and notification before parades or demonstrations, and local governments generally 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 security forces occasionally detained and assaulted separatists engaged in peaceful protest (see section 1.g.). During periods of civil tension, authorities used the criminal procedure code to ban public assemblies or impose a curfew.

Freedom of Association.—The law provides for the freedom of association, and the Government generally respected this right in practice; however, there were restrictions on foreign funding and organization of international conferences (see section 5).

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. At year's end the Government lifted the requirement for nationals and foreigners, except persons from Pakistan and China, to apply for a special permit to travel to Manipur, Mizoram, or Nagaland; however, it continued to require special permits to travel to Jammu and Kashmir.

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 some but not all IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Security forces often searched and questioned vehicle occupants at checkpoints, mostly in troubled areas in the Kashmir Valley, before public events in New Delhi or after major terrorist attacks. The Government maintained a 330-mile security fence along the Line-of-Control in Jammu and Kashmir, causing difficulties as the fence cuts through some villages and agricultural lands.

The Government legally may deny a passport to any applicant who it believes may engage in activities outside the country "prejudicial to the sovereignty and in-

tegrity of the nation.” 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.

Citizens from Jammu and Kashmir continued to face extended delays, often as long as two years, before the Ministry of External Affairs would issue or renew their passports. The Government subjected applicants born in Jammu and Kashmir—even children born to military officers during their deployment in the state—to additional scrutiny, requests for bribes, and police clearances before issuing them passports.

The law allows for forced exile; however, the Government did not use forced exile in practice, and there were no reports of it during the year.

Internally Displaced Persons.—There were several groups of IDPs in various locations in the country, including those displaced by internal armed conflicts in Jammu and Kashmir, the Naxalite belt, and the Northeast (see section 1.g.), as well as in Gujarat. In September the Norwegian Refugee Council (NRC) estimated that regional conflicts had displaced at least 650,000 persons, and the Internal Displacement Monitoring Center, operated by the NRC and the UN, put the total number of IDPs at approximately 500,000. It was difficult to estimate the exact number of those displaced by conflict or violence as there was no central government agency responsible for monitoring the numbers of those displaced or returning, and humanitarian and human rights agencies had limited access to camps and affected regions. While those who resided in IDP camps were registered, an unknown number stayed outside the camps.

The violence in Gujarat in 2002 displaced more than 250,000 persons, many of them Muslims from Gujarati villages and cities. According to the NRC, 19,000 IDPs remained in camps as of September 2, living in 86 relief colonies that lacked adequate infrastructure.

The Government has no national policy or legislation to address internal displacement resulting from armed conflict and ethnic or communal violence, and the responsibility for protecting and assisting the displaced has often been delegated to the state governments and district authorities. The lack of a central policy allowed states to remain unaccountable for internal displacement and to claim they are unable to protect or assist displaced people. When state- or district-level authorities provide assistance, it is often temporary and varied. The Government provided assistance to IDPs and allowed them access to NGO and human rights organizations, but neither access nor assistance was standard for all IDPs or situations. As in previous years, there were no reports that the Government attacked or forcibly resettled IDPs.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees, and there is no law or clear policy for refugees. The 1946 Foreigners Act, the law consulted by authorities with regard to refugees and asylum seekers, does not contain the term “refugee”; the word “foreigner” is used, placing refugees, migrants, and tourists in the same category. Under this act physical presence in the country without valid travel or residential documents is a criminal offense, rendering refugees without appropriate documentation eligible to be deported; nevertheless, there were no reports that the Government deported refugees during the year. The Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Although the Government lacks a legal framework for addressing refugees, it used an ad hoc approach and occasionally granted asylum and refugee status on humanitarian grounds in accordance with international law. However, this approach resulted in varying standards of protection for different refugee groups. The Government recognizes refugees of Tibet and Sri Lanka and honors UNHCR decisions on refugee status determination for individuals from other countries. According to the UNHCR, as of January there were 185,323 refugees in the country, including approximately 72,000 Sri Lankan refugees, 100,000 Tibetan refugees, and more than 14,000 urban refugees from other countries living in New Delhi. Of the 6,037 asylum seekers and 15,216 refugees registered with the UNHCR in New Delhi, a majority were from Afghanistan and Burma.

The UNHCR had no formal status in the country, but the Government permitted its staff access to refugees in urban centers and allowed it to maintain a local office in Tamil Nadu; however, the UNHCR was not permitted direct access to Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram. In contrast the Government generally permitted NGOs, international humanitarian organizations,

and foreign governments access to Sri Lankan refugee camps and Tibetan settlements but also generally denied them access to asylum seeker populations in Mizoram.

As of December approximately 70,000 Sri Lankan Tamil refugees lived in 112 refugee camps throughout Tamil Nadu and one camp in Orissa. The central government and the state of Tamil Nadu jointly provided monthly cash payments and food subsidies to the refugees. According to NGOs, conditions in the Sri Lankan Tamil refugee camps in Tamil Nadu were generally acceptable, although much of the housing, as well as water and sanitation facilities, was of poor quality. There were some reports of gender-based violence including domestic violence, sexual abuse, and early marriage. The Government of Tamil Nadu estimated that there were an estimated 33,000 Sri Lankan refugees living at large in the state.

The UNHCR provided refugee status and assistance to approximately 3,000 to 4,000 Burmese living in Delhi, primarily Chins, but did not have access to the larger population of ethnic Chins living in the northeastern states. NGOs estimated that there were between 50,000 and 100,000 Burmese Chin asylum seekers in Mizoram. Chin refugees generally reported fair access to housing, education, and health services. However, because most Chin refugees lacked legal status and were unable to work legally, they had inadequate income to meet their basic needs and remained vulnerable to abuse, discrimination, and harassment.

While the Government respected the UNHCR's mandate of protection for UNHCR-recognized groups in New Delhi and provided residential permits to many of the UNHCR-recognized urban refugees, the Government did not recognize these populations in Delhi and other cities as "refugees," leaving them ineligible for certain rights and services and vulnerable to harassment and gender-based violence. They did not have the legal right to work and thus often worked for low wages in the informal market. Many refugees did not have sufficient access to education or basic services, although they received medical care in free clinics. Refugees without residency permits or other official documents did not have access to police or courts. One organization also reported a number of cases of abuse of refugees and arbitrary detentions. The organization noted that many urban refugees worked in the informal sector or in highly visible occupations such as street vendors, where they were subject to police extortion, nonpayment, and exploitation.

Stateless Persons—According to the 1955 Citizenship Act, citizenship is derived by one's parents; birth within the country does not guarantee citizenship. A person born within the country is considered a citizen only if at least one parent is a citizen and the other is not an illegal migrant. Citizenship can also be obtained through registration under specific categories and via naturalization after residing in the country for 12 years.

According to the UNHCR and NGOs, the country has a large population of stateless persons, but there were no accurate estimates of the number. Stateless populations include Chakmas and Hajongs, who migrated to India from East Pakistan (now Bangladesh), and groups affected by the 1947 partition of the Indian Subcontinent into India and Pakistan. The UNHCR was working to identify and map stateless groups. In addition as of May, there were approximately 28,500 stateless Sri Lankan Tamils living in refugee camps in Tamil Nadu. The Sri Lankan government passed laws to grant citizenship to the Tamil refugees in 2009, but restoration of citizenship to the refugees was a slow process.

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 held a five-phase national election in April and May 2009 that included 714 million eligible voters. National and local security forces helped to ensure a relatively smooth election, although 65 persons were killed in voting-related violence. The Congress-led United Progress Alliance government (a coalition of parties), headed by Prime Minister Manmohan Singh, returned to power for a second term.

Citizens elected state governments and local municipal or village council governments at regular intervals. During the year free and fair assembly elections were held in Bihar. While no voters were killed in election violence in Bihar, a bomb planted by Naxalites, who had urged a boycott of the election, killed two law enforcement officers.

There were also cases of political violence during the year in Uttar Pradesh. For example, on October 11, four persons were killed and more than 36 others were injured during violence in the Uttar Pradesh Panchayat elections. The districts of

Farukhabad, Allahabad, Auraiya, Sitapur, Lucknow, and Gorakhpur reported incidents of booth capturing and seizure of ballot boxes. As of October 31, a reported total of nine persons had been killed and 59 others had been injured in the Uttar Pradesh Panchayat elections. On December 22, two persons were killed and several others were injured during violence between supporters of the ruling Bahujan Samaj Party and the opposition Samajwadi Party in the Block president elections in Uttar Pradesh.

Political parties could operate without restriction or outside interference; however, violence between political parties that began following the 2009 Lok Sabha (lower house of parliament) polls continued in West Bengal. Between mid-May 2009 and June 30, 245 Left Front members and about 240 Trinamool Congress workers were killed in West Bengal.

Women held many high-level political offices, including the presidency, leader of the ruling Congress Party, 78 members (including the speaker) of the Lok Sabha, railways minister, chief minister position in Uttar Pradesh, and one seat on the Supreme Court bench. Women participated in politics throughout the country at all levels, including more than one million women in local village councils (panchayats).

Implementation of an amendment increasing the quota for women in elected village councils from 33 percent to 50 percent continued at year's end. The state of Kerala began implementation in October.

The constitution stipulates that to protect historically marginalized groups and to assure representation in the lower house of parliament, each state must reserve seats for scheduled castes and scheduled tribes in proportion to their population in the state. Only candidates belonging to these groups can contest elections in reserved constituencies. In the 2009 elections, 84 seats for candidates from scheduled castes and 47 seats from scheduled tribes were reserved, representing 24 percent of the total seats in the lower house.

Section 4. Official Corruption and Government 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. During the year Transparency International (TI) reported that the perception of corruption in the country had again increased. TI reported that 54 percent of the population admitted to bribing authorities, with lower-income earners reportedly paying more bribes. Bribes were typically paid to speed procedures such as police protection, school admission, water supply, or government assistance. Half of bribes were paid for the benefit of registering for government assistance. The report also stated that the population considered political parties to be the most corrupt institution in the country.

According to a survey released in January 2009 by Trace International, a not-for-profit association that helps companies combat bribery, 91 percent of bribe demands came from government officials. Police officers accounted for 30 percent of bribe demands; the national customs office, 13 percent; and the national offices of taxation and water, 9 percent each. A May 2009 HRW report corroborated that corruption in the police force was pervasive, which several government officials reportedly acknowledged. Human rights activists and NGOs reported that citizens often had to pay bribes to receive police services. Many citizens reported they offered bribes to move cases through the court system. Government officials often demanded bribes for applicants from Jammu and Kashmir who required special clearances for passports.

Both the Election Commission and the Supreme Court upheld mandatory disclosures of criminal and financial records for election candidates. Election campaigns for parliament and state legislatures often were funded with unreported money, and the Government failed to control the practice.

The law mandates asset declarations for all Indian Administrative Service officers. On January 13, the Delhi High Court upheld the November 2009 ruling that required judges to declare their assets. On December 30, newspapers reported that the Bihar chief minister had requested all state government employees to make annual declarations of their assets, as part of a campaign to eliminate corruption in the state. Previously the minister established a special vigilance unit to stop corrupt officials.

To increase transparency, on December 2, the Central Vigilance Commission (CVC) established a toll-free hotline so that persons across the country could lodge complaints against corrupt government officials. The number was advertised in newspapers, on television, and circulated to the public via an SMS.

On December 9, International Anticorruption Day, the CVC launched a new portal, VIGEYE (Vigilance Eye), a platform to share information between the public government agencies and the vigilance commission. Registered users could upload

video or audio acts of corruption. The portal was launched in an attempt to stop corruption.

There was at least one killing during the year attributed to corrupt politicians (see section 1.a.).

On November 16, following press accusations, the national comptroller general and auditor reported to parliament that mismanagement in 2007 by Telecommunications Minister Andimuthu Raja in the issuance of radio spectrum licenses to mobile phone companies had led to a notional loss to the Government of 1.72 trillion rupees (\$38.1 billion). On November 15, Raja resigned his post. The issue paralyzed parliament during the entire winter session as opposition party members forced daily adjournments by shouting slogans and demanding the formation of a special investigatory parliamentary committee. At year's end the CBI was investigating the allegations to determine whether criminal charges should be filed.

On October 3-14, New Delhi hosted the Commonwealth Games, which were plagued by allegations of financial mismanagement, work safety violations, construction accidents, and massive delays. On October 16, the prime minister ordered a probe into the games' organizing committee, and on November 30, the CBI raided the homes and offices of two organizing committee officials, T.S. Darbari and Sanjay Mahindroo, charging them with criminal conspiracy, misuse of official post, cheating, and forgery. On December 24, the CBI raided the homes and offices of organizing committee head Suresh Kalmadi. The probe continued at year's end.

On November 9, the Congress Party forced Ashok Chavan, chief minister of Maharashtra state, to resign due to his alleged involvement in a housing fraud in which Congress Party politicians, bureaucrats, and military officials were implicated in the sale of apartments reserved for veterans and war widows. The CBI began investigations, and the Government rescinded permissions that allowed owners to occupy the apartments.

On November 24, the CBI arrested five officials from public-sector banks who were accused of taking bribes to facilitate large corporate loans. Those arrested included senior officials of Central Bank of India, Punjab National Bank, and the Bank of India.

The following 2009 cases remained pending in court at year's end: the April cases of senior government bureaucrats in Tamil Nadu for corruption, accepting bribes, and abuse of official position for monetary gain; the August cases of the director of medical and rural health services in Tamil Nadu, who would have allegedly received 853,000 rupees (\$17,700) in exchange for a 150 million rupee (\$3.1 million) drug supply contract, and the vice chancellor of Coimbatore Anna University for accepting bribes; and the November case of former Jharkhand chief minister Madhu Koda for allegedly possessing assets disproportionate to his income and laundering 50 million rupees (approximately \$1.1 million).

The law provides for public access to information. Although the Government was often slow in response to requests, local community members as well as noncitizens could access the RTI online portal to get information on personal documentation, city plans, and other public records. RTI information can be requested only by citizens, not foreign nationals or foreign media. The Government charged 10 rupees (approximately \$0.21) as a fee at the time of the request. If a request is denied, one can appeal to the Central Information Commission and then to the high court. Study findings announced in August 2009 revealed that public authorities had not planned adequately in their implementation of the 2005 RTI Act, hindering the supply of information, and that rural inhabitants were not always aware of their rights under the act. Many states, including Jammu and Kashmir, also have right-to-information laws.

On August 16, media reported that 11 persons, including three senior officials of the Municipal Corporation of Delhi, had been arrested in two separate cases for allegedly harassing and threatening individuals who had sought information under the RTI.

Section 5. 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; however, in a few circumstances, groups faced restrictions. Government officials were somewhat cooperative and responsive to their views. The country hosts more than three million NGOs that advocate for social justice, sustainable development, and human rights. The Government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations. The NHRC works cooperatively with numerous NGOs, and NGOs are present on several NHRC committees. However, while human rights

monitors in Jammu and Kashmir were able to document human rights violations, security forces, counterinsurgents, and police at times restrained or harassed them.

On September 15, parliament passed a new Foreign Contributions (Regulation) Act (FCRA). Many NGOs believed the law's revised regulations were vague and were concerned the ban on funding for organizations of a "political nature" made the law vulnerable to abuse and corruption by government officials. On November 16, the MHA informed parliament that 41 NGOs were banned from receiving foreign contributions due to complaints of corruption and/or irregularities in the use of funds received under the FCRA.

NGOs must secure approval from the MHA before organizing international conferences; permission was typically granted, but the process was lengthy. Human rights groups contended that this practice provided the Government with political control over the work of NGOs and restricted their freedom of assembly and association.

International human rights NGOs faced difficulties obtaining visas for their representatives, and occasional official harassment and restrictions limited the public distribution of materials.

The Government permitted representatives of the UN and other international humanitarian organizations, such as the ICRC, access to the Northeastern States and Naxalite-controlled areas.

On December 3, the ICRC, along with the Indian Red Cross, relaunched a physical rehabilitation center in Dimapur, Nagaland. The ICRC also worked with the Indian Red Cross in Chhattisgarh and Assam, where teams provided household items, water, and sanitation facilities for persons displaced by ethnic violence.

The Government-appointed NHRC generally acted independently, but some human rights groups claimed institutional and legal weaknesses hampered it. The president appoints members after recommendations from parliament. While the NHRC has the authority to initiate investigations, inquire into complaints, or request that a state government submit a report—a request that state governments often ignored—it does not have the statutory power to enforce requests, initiate proceedings for prosecution, or grant interim compensation, nor could it inquire independently into human rights violations by the armed forces. Human rights NGOs criticized the NHRC's financial dependence on the Government and its failure to investigate abuses more than one year old. They claimed the NHRC did not register all complaints, dismissed cases on frivolous grounds, failed to investigate cases thoroughly, and did not adequately protect complainants.

Nineteen of the 28 states had human rights commissions at 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 authority to investigate alleged human rights violations committed by members of paramilitary security forces.

The Government has also designated chief vigilance officers to address public complaints and grievances in the banking, insurance, and other sectors that are serviced by private, public, and corporate bodies. In addition several states had Lokpal or Lokayukta offices, which serve as ombudsmen with the authority to investigate allegations of corruption and poor administration.

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

The law prohibits discrimination on the basis of race, gender, disability, language, religion, place of birth, or social status, and the Government worked with varying degrees of success to enforce these provisions.

Women.—Crimes against women were common. The NCRB estimated there were 194,787 crimes against women during the year and noted that underreporting of such crimes was likely. The MHA informed parliament it recorded 109,559 cases of crime against women—including molestation, sexual harassment, rape, dowry deaths, and abduction—through August 2009. The state of Andhra Pradesh recorded the worst record with 23,224 crimes against women, including 1,188 cases of rape, 1,526 cases of kidnapping and abduction, 546 cases of dowry deaths, and 11,297 cases of domestic violence. Uttar Pradesh recorded 22,941 cases of violence, including 2,232 cases of dowry deaths, 1,759 cases of rape, and 5,078 cases of kidnapping. Bihar reported that 2,532 married women were victims of domestic violence and recorded 7,480 cases of violence against women, including 929 rape cases, 1,295 dowry deaths, and 1,986 kidnapping and abduction cases.

According to a joint survey released on July 8 by the Delhi Department of Women and Child Development, the NGO Jagori, and the UN Development Fund for Women, approximately 80 percent of women in Delhi feared for their safety.

The law criminalizes rape, including spousal rape. Punishment ranged from prison terms as long as one year, a fine of 19,800 rupees (approximately \$450), or both.

Official statistics point to rape as the fastest growing crime in the country, even when compared to murder, robbery, and kidnapping. Despite assurances from law enforcement, the NCRB states that a woman is raped in the country every 30 minutes. Since 1971 when rape cases were first recorded officially, the NCRB has registered a 678 percent increase in the crime. According to the NCRB, there were 21,397 rape cases registered in the country in 2009. Law enforcement and legal avenues for rape victims are inadequate, overburdened, and unable to address the issue effectively.

Women in conflict situations, such as in Jammu and Kashmir, and vulnerable women, including lower-caste or tribal women, were often victims of rape.

On November 26, a call center employee from Mizoram was allegedly abducted from the Dhaula Kuan area of Delhi and gang-raped in a moving car, then dumped in a different part of the city. She had been returning from work and was walking home after her colleague dropped her off a few blocks from her home. The victim was able to identify two persons, Shamshad and Osman, who were put in judicial custody. At year's end the case continued, and the victims name had not been publicly released.

The law provides for protection from all forms of abuse against women in the home, including physical, sexual, verbal, emotional, or economic abuse, as well as threat of abuse; however, domestic abuse remained a serious problem. 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 at the partner's expense. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care.

While the Ministry of Women and Child Development has issued guidelines for the establishment of these social services, in practice lack of funding, personnel, and proper training resulted in limited services, primarily available in metropolitan areas.

The Delhi Commission for Women received 1,975 complaints of violence against women in 2009-10, of which 1,122 complaints related to domestic violence. The Ministry of Women and Child Development informed parliament that 2,256 cases were registered under the Domestic Violence Act and 349 convictions took place in 2008. Lack of law enforcement safeguards and pervasive corruption limit the effectiveness of the law.

Another form of societal violence targeting women occurred in October 2009 when villagers branded five Muslim widows in Pattharghatia village, Jharkhand, as witches and forced them to eat human excrement. Police arrested four persons and placed the victims under police protection. At year's end there was no update.

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 bans harassment in the form of dowry demands and empowers magistrates to issue protection orders. Deaths associated with the nonpayment of dowries rose in the past several years. According to the NCRB, in 2009 there were 8,383 reported dowry deaths. However, since many cases were not reported and not properly monitored, statistics were not accurate.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear whether these officers were effective. Madhya Pradesh required all state government employees to produce sworn affidavits that no dowry was exchanged. On November 23, the Supreme Court made it mandatory for all trial courts across the country to add the charge of murder against persons accused in dowry death cases.

So-called honor killings continued to be a problem, especially in Punjab and Haryana, where as many as 10 percent of all killings were honor killings. Although statistics for honor killings are difficult to verify, on October 10, The Guardian reported police officially recorded 19 honor killings in the northern part of the country between April 19 and June 30. According to the same report, one recent study estimated more than 1,000 honor killings every year, most of them occurring in the northern states of Haryana, Punjab, and Uttar Pradesh. The most common justification for the killings offered by those accused or by their relatives was that the victim married against their family's wishes. During the year a survey conducted by the NCW along with the NGO Shakti Vahini revealed that in 88.9 percent of the cases, the perpetrators of the honor killing were the girl's family members. In 2009 the MHA issued an advisory to all state governments and union territories to review their policies and tackle the problem of such killings.

On May 13, relatives of newlywed bride Gurleen Kaur killed Kaur and her mother-in-law and injured the groom, reportedly because the couple had married against the wishes of the bride's family. Police had registered cases against eight persons

at year's end. The incident happened despite the couple being under the protection of the Punjab and Haryana High Court after their marriage.

On June 22, two male cousins killed their sisters for marrying outside of their caste in New Delhi.

On July 15, Aisha Saini's father and uncle beat Saini and Yogesh Kumar, both 19 years old, with rods and electrocuted them to death allegedly because they disapproved of the teenagers' relationship. At year's end police had arrested the girl's father and uncle, but three other accused remained at large.

On March 30, five men were sentenced to death and one jailed for life for the 2007 murder of a young couple, Manoj Banwala and Babli, who married outside the wishes of village elders in Haryana.

A 2009 nationwide study by NGO Gram Niyojan Kendra commissioned by the Ministry for Women and Child Development studied 68 places of tourist interest and found that sex tourism occurred in major cities and places for sightseeing and that pilgrim centers were a growing hub of sex tourism. The report said that domestic tourists were "overwhelmingly involved" in sex with commercial sex workers and pointed to the lack of legislation at the state level or effective measures to control sex offenders from revisiting sites. In response to the study, the tourism ministry began working on a code of conduct for ethical tourism.

There are no legislative enactments or statutory policies against sexual harassment and abuse at work places; all charges of sexual harassment use the guidelines set forth in a 1997 judgment. The guidelines are treated as law declared by the Supreme Court and enforceable. The law does not provide for penalties; it outlines what conduct is considered harassment and makes it incumbent on the employer to include a prohibition of sexual harassment in employees' rules of conduct and discipline. All state departments and institutions with more than 50 employees are required to have committees to deal with matters of sexual harassment. According to the NCRB, 11,009 cases of sexual harassment were reported in 2009, the latest year for which figures were released. In 2008 the NCW reported 153 cases of sexual harassment registered from 2006-08. The UN-Jagori survey report revealed that two of three women in Delhi had been victims of sexual harassment. Eighty percent of respondents reported incidents of verbal harassment, and 45 percent reported incidents of stalking. Fifty-four percent reported feeling unsafe and vulnerable in crowded public transports and at bus stops. Only 0.8 percent reported these incidents, due to lack of confidence in police.

The Government permits health clinics and local health NGOs to operate freely in disseminating information about family planning. There are no restrictions on the right to access contraceptives. Laws favoring families that have no more than two children remained in place in seven states, but authorities seldom enforced them. The laws provide reservations for 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 did not have authority to regulate state decisions on population issues.

In 2008 the World Bank estimated 53 percent of births were attended by skilled help. The UN Children's Fund (UNICEF) estimated 49 percent of women did not receive prenatal care. According to 2008 UN estimates, the maternal mortality rate was 230 deaths per 100,000 live births.

The Government and NGOs have advanced numerous initiatives to improve women and children's health, including providing financial incentives for women willing to give birth in a hospital, improving midwife training, and increasing prenatal care via SMS, which provide information on vaccinations, exercise, diet, medication, and how to deal with emergencies that may arrive during pregnancy.

Female feticide (aborting a fetus after determining that its gender is female) occurred in some states, such as Punjab and Haryana, and there were reports of relatives forcing women to engage in female feticide.

In May 2009 Mitu Khurana became the first woman to file formal charges against her husband under the Preconception and Prenatal Diagnostic Techniques Act. She accused her husband and his family of having tried to force her to abort her twin female fetuses. When she refused to abort the fetuses, she was harassed, starved, and beaten. After giving birth she left her husband's home when her mother-in-law physically harmed one of the twins. Khurana filed the complaint after her husband filed for divorce. Supporters of Khurana claimed that a high court judge asked her to drop the case and settle with her husband.

There were no new developments in the June 2009 complaint by a woman in Gujarat against her husband and in-laws claiming that they forced her to abort five female fetuses.

The Gujarat state government launched a "Beti Bachao Andolan" (Save the Girl Child movement) in the areas practicing female feticide. Security forces conducted

raids of medical offices and seized medical equipment, and civil society leaders pledged to end the practice. During the year a survey conducted by the Gujarat State Health Department revealed that the sex ratio in the state had improved from 883 girls per 1,000 boys in 2001 to 905 girls per 1,000 boys in 2009. Numerous NGOs throughout India had Save the Girl Child campaigns, and the Ministry of Health and Family Welfare launched a national Save the Girl Child campaign in 2007.

The National AIDS Control Organization (NACO), which formulates and implements programs for the prevention and control of HIV and AIDS, reported that women accounted for approximately one million of the estimated 2.27 million citizens with HIV/AIDS. Women were equally diagnosed and treated for sexually transmitted infections, including HIV; however denial of treatment occurred due to lack of access to medical facilities (particularly in rural areas), lack of money, and societal taboos on dispensing aid to members of other religions or other castes. Infection rates for women were highest in urban communities, and care was least available in rural areas. In 2007 NACO noted that traditional gender norms left women especially vulnerable to infection. NACO reportedly worked with NGOs to train women's HIV/AIDS self-help groups.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Sharia (Islamic law) determines land inheritance for Muslim women, allotting them less than men. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. Several exceptions existed, such as in Ladakh, Meghalaya, and Himachal Pradesh, where women traditionally controlled family property and enjoyed full inheritance rights.

The law prohibits discrimination in the workplace; in practice employers paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

In March the Delhi High Court ordered the country's armed forces to grant permanent commissions to women in noncombat roles. Women would be eligible for permanent commissions as long as they are not in branches where there is the possibility of direct contact with the enemy. Previously women in the armed forces were granted short-term commissions and then forced to retire after a specified time frame. On July 17, the air force agreed to grant permanent commissions to women officers in nonmedical fields; however, at year's end no woman had been granted a permanent commission.

Children.—The law establishes state governments' procedures for birth registration. According to the National Commission on Population, approximately 55 percent of national births were registered at year's end, and the registration rate varied substantially across states. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained citizenship by birth. A person born in the country on or after July 1, 1987, obtained citizenship if either parent was a citizen at the time of the child's birth. Those born in the country on or after December 3, 2004, were considered citizens only if at least one parent was a citizen and the other was not an illegal migrant at the time of the child's birth. Persons born outside the country on or after December 10, 1992, were considered citizens if either parent was a citizen at the time of birth; however, those born outside the country since December 3, 2004, were not considered citizens unless their birth was registered at an Indian consulate within one year of the date of birth. Only in certain circumstances and with the permission of the central government was it possible to register after one year. Children lacking citizenship or registration may not be able to access public services, enroll in school, or obtain identification documents later in life (see also section 2.d.).

The constitution provides free education for children from six to 14 years of age, but the Government did not enforce this provision. According to the World Bank, the number of children reportedly enrolled in elementary education in the country increased from 57 million to 192 million between 2003 and 2009; however, in 2009 8.1 million children between the ages of six and 14 did not attend school.

On April 1, the Right of Children to Free and Compulsory Education Act, passed by parliament in August 2009, became legally enforceable. The act makes education a fundamental right for children and enables every child between the ages of six and 14 years to demand free elementary education. At year's end the central and state governments were negotiating over funding mechanisms and regulations to implement the act.

In a 2009 UNICEF report, UNICEF stated that school attendance among girls between the ages of six and 10 had increased from 61 percent to 81 percent during 2005-06. Once girls reach puberty, their dropout rate increases, particularly in rural areas. Reasons include family pressure, lack of dedicated sanitation facilities for girls, and lack of secondary schools in rural areas.

The law provides for protection against various forms of child abuse, but child abuse remained common, including in school and institutional settings, and the Government failed to educate the public adequately against child abuse or enforce the law. Although corporal punishment is banned, teachers often used it. According to the MHA 2009-10 annual report, there were 22,500 cases of crime reported against children in 2008.

According to a 2007 study by the Ministry of Women and Child Development, approximately 69 percent of children reported having been physically abused, 65 percent of schoolchildren reported receiving corporal punishment at school, 53 percent of children reported sexual abuse, 48 percent of children reported emotional abuse, and 71 percent of female children reported neglect.

According to the NCRB, 5,368 cases of child rape were registered in 2009. On October 26, a survey conducted by London-based Plan International estimated that 50 percent of children had faced sexual abuse. The survey covered 12,500 school children in 13 states between the ages of five to 18. The survey found corporal punishment was widespread in the country and 54 percent of boys and 45 percent of girls had been victims of such punishment. On October 31, the National Commission for Protection of Child Rights noted that it had received 785 reports of child abuse, including cases of corporal punishment.

On October 4, police arrested the principal and three teachers of Kolkata's La Martiniere School for Boys in connection with the death of an eighth-grade student who committed suicide in February after being caned by the principal. At year's end the four were free on bail but faced charges of voluntarily causing hurt, punishment without grave provocation, and negligence of duty.

In April 2009 a female student, Shanno Khan, died after teachers from the Municipal Corporation of Delhi Girls Primary School in New Delhi forced her to stand in the sun for more than one hour the previous day. The municipal commissioner ordered an inquiry and suspended the principal and teacher. There was no update at year's end.

In September 2009 a teacher from Chhattisgarh's Koriya District reportedly forced primary school students to strip, dance, and play field games naked in a wooded area near the school. The children complained that the teacher slapped those who disobeyed. As of December 2009, police had not arrested the teacher, who fled the area when angry parents stormed the school. There was no update at year's end.

The Government sponsored a toll-free 24-hour helpline for children in distress in 72 cities. A network of NGOs staffed the "Childline 1098 Service" number, accessible by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

The law sets the legal age of marriage for women at 18 years old and men at 21 years old. The law prohibits child marriage in any form and empowers courts to annul such marriages. It also sets penalties for individuals who perform, arrange, or participate in such marriages. However, in practice the law was not enforced. The law does not characterize a marriage between a girl below 18 years old and boy below 21 years old as illegal but recognizes such unions as void and voidable, providing grounds for such unions to be challenged in court.

A National Family Health Survey from 2006-07 reported that more than 50 percent of women were married before the age of 18. In comparison men married at a median age of 23.4 years. On February 20, media reports announced the latest demographic indicators provided by the Health and Family Welfare Ministry revealed that the national average age of marriage for women was 20.6 years in 2008, up from 18.3 years in 2001. According to a 2005 UNICEF report, women married as children were often victims of domestic violence and often became mothers early, contributing to the country's high infant and maternal mortality.

The law establishes a full-time child marriage prohibition officer in every state to prevent and police child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, and remove a child from a dangerous situation in order to deliver them to local child protection authorities.

While the country is home to a small population of Bohra Muslims, who practice various forms of female genital mutilation (FGM), there were no reported cases of FGM being practiced during the year. There is no national law addressing the practice of FGM.

The law prohibits child pornography and states that the legal age of consent is 18 years old. According to the law it is illegal to procure a minor by any means and induce a minor into prostitution or any form of "illicit sexual intercourse" or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine. Nevertheless, according to UNICEF approximately 1.2

million children were prostituted and enslaved throughout the country, and the country was a destination for child sex tourism. To prevent child sex tourism, the Ministry of Tourism advised all state governments to deploy tourist police; 13 state governments had done so by the end of the year. On July 1, the Ministry of Tourism adopted a code of conduct for safe tourism; the guide was later posted on their Web site and informed readers that human trafficking and sexual relationships with children are illegal.

No information was available on how many persons under the age of 18 were serving in the armed forces. There were unproven allegations that government-supported anti-Naxalite village defense forces recruited children. Armed groups, including Naxalites and groups in Jammu and Kashmir and in the Northeast, were reported to be using children (see section 1.g.).

Displaced children, including refugees, IDPs, and street children, faced limits on access to government services (see also section 2.d.) and were often unable to obtain medical care, education, proper nutrition, or shelter. Such children were often physically and sexually abused and were forced to work in hazardous jobs such as rag pickers (sorting garbage for recyclable material).

Weak enforcement of laws and lack of safeguards encouraged an atmosphere of impunity in group homes and orphanages. NGOs alleged that many such homes for children were operating without government oversight or approval. According to a 2007 study by the Ministry of Women and Child Development, approximately 56 percent of institutionalized children reported that staff physically abused them. In some states the percentage was higher; in Uttar Pradesh and Assam, for example, more than 80 percent of such children reported physical abuse. The reported incidence of abuse was also higher among children housed in special homes due to "conflict with the law" than among children institutionalized for other reasons.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Jewish groups and the 1,500-person Jewish population cited no instances of anti-Semitism during the year.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 the following disabilities: blindness, low vision, leprosy-cured (those cured of leprosy but who still lack sensation in extremities or suffer from deformity), hearing impairment, locomotor disability, mental retardation, and mental illness. The law is weakened by a clause that links implementation of programs to the "economic capacity and development" of the Government. There were approximately 200 government-run centers across the country that provided comprehensive, integrated rehabilitation services to persons with disabilities.

During the year the Ministry of Social Justice and Empowerment (MSJE) launched its redesigned accessible Web site and called on states to do the same.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. One notable exception was the recently constructed Delhi metro system, designed to be accessible to those with physical disabilities.

On August 8, the Haryana state government announced free travel for persons with 100 percent physical disability on buses traveling on state roadways and on buses to Delhi or Chandigarh if traveling to a hospital for treatment.

The Ministry of Health and Family Welfare estimated that 6 to 7 percent of the population suffered from a mental disorder and that 25 percent of the mentally ill were homeless. Continued lack of awareness about the symptoms of mental illnesses led many patients, particularly in rural areas, to seek treatment from traditional healers before seeking regular medical treatment. Most of the mentally ill were dependent on public health-care facilities, and fewer than half of those who required treatment received it. There was a severe shortage of trained staff; a World Health Organization report released in September estimated that the country had less than one psychiatrist for every 300,000 individuals; most psychiatrists worked in urban areas in this largely rural nation. In rural areas, the ratio shrank to less than one psychiatrist per one million persons.

The PDA requires 3 percent of public-sector jobs be reserved for persons with physical, hearing, or visual disabilities. The Government continued to allocate funds to programs and NGO partners to improve the number of filled jobs. Private-sector employment of persons with disabilities remained low despite PDA benefits to private companies where persons with disabilities constituted more than 5 percent of the workforce.

On November 27, in Lucknow, the Allahabad High Court stayed all the appointments in the state government for three months, until the backlog vacancies of the blind and persons with disabilities were filled.

On December 4, the Karnataka State Commission for Persons with Disabilities announced that persons with disabilities accounted for 3,650 of the estimated 525,000 state government employees.

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but the MSJE stated that students with disabilities made up only an estimated 1 percent of all students. A survey by the NGO Child Relief and You (CRY) of 30 prominent Kolkata schools found that the percentage of children with disabilities was only 0.16 in government schools and 0.31 in private schools. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country are born with disabilities.

The MSJE offered 500 scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for reasons including inaccessible infrastructure, limited availability of resource materials, nonimplementation of the 3 percent reservation, and harassment.

The Government made efforts to increase enrollment during the year. For example, in January the Central Board of Secondary Education in Delhi issued a notice threatening to disaffiliate schools that used various pretexts to deny admission to children with disabilities, and the Minister of Human Resource Development, Kapil Sibal, announced that the percentage of schools with access ramps increased from 27 percent in 2007 to 40 percent by the end of 2009.

In May 2009 the Delhi High Court noted that 650 New Delhi government schools and 1,800 Municipal Corporation of Delhi schools had not hired any teachers dedicated for the 10,000 students with disabilities. The Delhi High Court directed the state government to develop an action plan to hire teachers and build facilities for students with disabilities. On February 18, the Ministry of Human Resource Development announced that every child with disabilities was entitled to an increased annual allocation of 3,000 rupees (\$65). In February Delhi's Sarva Shiksha Abhiyan (SSA—Education for All) began training teachers to provide home tutoring for children with disabilities. Fifty teachers were deployed, and more were being hired at year's end. Home tutoring continued in Himachal Pradesh and Tamil Nadu.

National/Racial/Ethnic Minorities.—The national census does not recognize racial or ethnic groups; population is categorized by language spoken. Society has traditionally been divided into castes or clans. Caste is a complex Hindu social hierarchy traditionally based on occupations. While caste was outlawed in 1949, the registration of scheduled caste and tribes remains for the purpose of affirmative action programs. Article 15 of the constitution prohibits discrimination on the basis of caste, and the Government continued to implement various programs to empower members of the low castes. The law gives the president the authority to identify historically disadvantaged castes and tribes (who are outside of the caste system) for special quotas and benefits.

The term Dalit, derived from the Sanskrit “oppressed” or “crushed,” refers to members of what are traditionally regarded as the lowest Hindu castes, which are the Scheduled Castes (SC). While discrimination based on caste is officially illegal, it remained prevalent, particularly in rural areas. Many SC members continued to face impediments to social advancement. According to the 2001 census, SC members comprised 16 percent (168.6 million) of the population. The MHA 2009-10 annual report noted 33,615 cases of registered crimes against SC members in 2008, compared with 30,031 cases in 2007.

Although the law protects Dalits, in practice they faced violence and significant discrimination in access to services such as health care and education, attending temples, and marriage. Reports from the UN's Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. According to credible NGOs, lower caste individuals were also accused of witchcraft.

Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights were often attacked, especially in rural areas. As agricultural laborers for higher-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 or because victims did not report the crimes for fear of retaliation.

The Tamil Nadu Untouchability Eradication Front (TNUEF) held a state conference in May to highlight continuing caste-based discrimination in the state. According to the TNUEF, many Dalits were not permitted to walk on public pathways, wear footwear, access water from public taps in upper-caste neighborhoods, participate in some temple festivals, bathe in public pools, or use some cremation grounds.

A June 2009 study by a domestic NGO reflected that Dalit children often dropped out of school due to discrimination. There were reports of school officials barring Dalit children from morning prayers, asking Dalit children to sit at the back of the class, or forcing Dalit children to clean school toilets while denying them access to the same facilities.

The federal and state governments continued to implement various programs for scheduled caste members, ostensibly to provide better quality housing, reserve seats in schools and government jobs, and access to subsidized foods, but critics claimed that many programs suffered from poor implementation and corruption. For example, on December 15, Tamil Nadu officials announced the distribution of 20,000 free color television sets to SC members. On December 21, the National Commission for Scheduled Castes announced a series of awareness camps across the country to educate Dalits about their rights and how to obtain benefits from the various government programs meant for them.

On February 17, police inspector Kailashnath Dwiwedi beat a Dalit woman accused of murdering her husband in Uttar Pradesh. Authorities found the inspector guilty of misconduct and dismissed him.

On April 21, members of the Jat community, the dominant caste in the village of Mirchpur, Haryana, burned 10 Dalit homes, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. Approximately 150 Dalit families fled the village after the attacks. In response the Haryana government allocated four million rupees (\$88,888) as compensation and provided jobs, housing assistance, and a permanent police post for victims' families. The district police arrested 27 persons, including a police officer and a revenue official, after an order from the court. After a series of hearings in which several witnesses turned hostile, the Haryana Supreme Court transferred the court cases to New Delhi. In November the Supreme Court heard allegations that members of the dominant caste that allegedly perpetrated the violence were intimidating witnesses who testified in the case. The Supreme Court directed the trial court to submit its orders and the affidavits to the Supreme Court for review. In response to continuing protests, the state government agreed to submit the case to the CBI for further investigation.

On May 5, the Madras High Court directed the local Virudhunagar and Aruppukottai, Tamil Nadu, officials to assure that basic amenities were provided to Dalit residences and to restore their rights to live with dignity as provided by the constitution. The Dalits had been denied access to products sold at a local ration shop.

On August 28, police in Rajasthan registered a case against five persons after a Dalit woman from Jhalara village complained they had accused her of witchcraft, tied her to a tree, and beaten her.

On October 18, police and revenue officials dismantled a fence that had prevented eight Dalit families from using roads in a hamlet near Krishnagiri. Tamil Nadu police threatened the non-Dalits with severe action if they rebuilt the fence.

District authorities coordinated peace meetings between Dalit and higher caste individuals in a village in Virudhunagar, Tamil Nadu. In October 2009 several Dalit families in the village questioned their exclusion from the state government's Kalaighar medical insurance scheme for the poor. Some higher caste individuals beat members of the families and evicted them from the village. Police, instead of helping, initially allowed the higher-caste members to file First Incident Reports (FIRs) against the Dalits, but they then also recorded FIRs against the higher-caste members.

Police investigated the 2008 incident in which residents of a Jharkhand village accused Ghuchara Pahan, his son Kisun, and daughter-in-law Mukta of practicing witchcraft and then beat them to death; however, the perpetrators continued to evade justice at year's end.

Indigenous People.—The constitution provides social, economic, and political guarantees to disadvantaged groups of indigenous people, and the law provides special status for indigenous people, but authorities often denied them their rights. According to the Ministry of Tribal Affairs 2009-10 annual report, there are more than 700 Scheduled Tribes in the country, and the 2001 census revealed the population of

scheduled tribes as 84.3 million, approximately 8 percent of the total population. Activists claimed that approximately half of the indigenous population lived in extreme poverty, compared to 27 percent of the total population.

In most of the Northeast, where indigenous groups constitute the majority of the states' population, the laws provide for tribal rights, although some local authorities attempted to violate these provisions. The laws 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 protected areas without prior authorization. Tribal authorities must approve the sale of land to nontribal persons.

According to the MHA 2009-10 annual report, there were 5,582 criminal cases reported against members of Scheduled Tribes in 2008, a slight increase over the 5,532 cases reported in 2007. Tribal women employed as domestic workers were often neither properly paid nor protected from sexual exploitation. Land encroachment on tribal lands continued in almost every state, despite limited efforts by the states to combat it, as businesses and private parties continued to exert political influence and pressure on local governments. Those displaced by the encroachments were typically not provided with appropriate relief and rehabilitation packages.

Numerous tribal movements demanded the protection of tribal land and property rights. The Government created tribal-majority states 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.

On February 8, Anil Dubey, a former leader of the Hindu chauvinist political party Shiv Sena, raped and set on fire a 19-year-old tribal teacher in Barwani, Madhya Pradesh. The victim suffered serious burns and was hospitalized. Police arrested Dubey and charged him under the Scheduled Castes and Tribe (Prevention of Atrocities) Act. At year's end the trial continued.

On August 25, the Ministry of Environment and Forests rejected the Vedanta firm's mining project in Orissa's Niyamgiri hills, home of the Dongria Kondh tribe, citing breach of environmental law and concerns over the rights of local tribes in his decision. Local activists claimed that the rights of tribal and rural groups under the Forest Act continued to be manipulated in other regions. Weak enforcement of the act often circumvented the free and informed consent of tribal and rural groups prior to development.

On December 21, Rajasthan Gujjars began protesting delays in the implementation of a 5 percent quota for employment and educational positions. The protest continued at year's end, forcing the closure of major Rajasthani towns due to blocked roads, highways, and rail routes. The Rajasthan High Court prevented implementation of the quota, which had been approved by the previous state government, on the grounds that the new quota would exceed the 50 percent ceiling for total affirmative action quotas imposed by a 1992 Supreme Court judgment.

According to media reports, the enmity between the Gujar tribe and the Meena caste in the state of Rajasthan decreased during the year as politicians from both communities worked to improve relations. In 2008 clashes with police killed 41 persons after the Gujar tribe demanded affirmative action quotas via inclusion on the List of Scheduled Tribes. Members of the Meena caste had opposed the demand, which they saw as a threat to their own affirmative action quotas.

Civil rights organizations working with indigenous people in Kodagu district of Karnataka alleged that more than 1,600 families had been evicted since 1972 in state efforts to promote tourism. The Karnataka state government initiated measures to identify households eligible for property restitution or remuneration for those families that did not want to be resettled in the area. However, civil rights organizations voiced concern that corrupt political party workers would use political influence and pressure to interfere with any distribution, preventing indigenous people from benefiting. At year's end no family had received compensation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law permits consensual sexual activities between adults. In July 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which prohibited same-sex relations. Section 377 still applies to cases involving minors or coercive sex. While a few groups and individuals challenged the ruling in the Supreme Court within a few days of the announcement, the Government decided not to oppose the verdict. At year's end the Supreme Court had not rendered a judgment on the appeal. The law was previously used to target, harass, and punish lesbian, gay, bisexual, and transgender (LGBT) persons.

Although LGBT groups were active throughout the country, sponsoring events and activities including rallies, gay pride marches, film series, and speeches, they faced discrimination and violence in many areas of society, particularly in rural areas. Activists reported that transgender persons who were HIV-positive often had

difficulty obtaining medical treatment. Activists also reported some employers fired LGBT persons who did not hide their orientations. LGBT persons also faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest to coerce victims not to report the incidents, although several states, with the aid of NGOs, had police education and sensitivity trainings.

During the week of April 3, transgender activist Laxmi Tripathi was banished from the elite Bombay Gymkhana club in Mumbai. After the club CEO told the dinner party's organizer that Tripathi had to leave, the entire group walked out of the club.

On April 10, a FIR was filed against six persons in the April 7 death of Srinivas Ramachandra Siras, a professor at Aligarh Muslim University (AMU) who was found dead in his home. In February, shortly before his retirement, the professor was secretly filmed having consensual sexual relations with another man. AMU suspended him without an inquiry, which he challenged in the Allahabad High Court. On April 2, the court ordered his reinstatement and stayed his unlawful removal from his official accommodation. On April 8, police claimed that preliminary investigations indicated suicide.

On May 6, the country's first transgender television host, Rose Venkatesan, officially announced her new gender status after undergoing sex reassignment surgery.

There were a few positive developments for transgender persons during the year. In April the state of Tamil Nadu hosted a weeklong transgender festival to facilitate the acceptance of transgender persons into mainstream society. The state, which established a transgender welfare board in 2008, continued to provide separate identity and ration cards to transgender persons. In November the central government announced that transgender persons would have the option to be counted as "Other" in the 2011 national census. On November 12, the state of Karnataka announced transgender persons would be included in the "Backward Classes" list, making them eligible for pensions, ration cards, and housing assistance through special programs.

Other Societal Violence or Discrimination.—According to the 2009-10 annual report of NACO, the Government agency responsible for monitoring HIV/AIDS, there were approximately 2.27 million persons with HIV/AIDS in the country, and according to the International Labor Organization (ILO), as many as 70 percent faced discrimination. HRW reported that many doctors refused to treat HIV-positive children; some schools expelled or segregated children because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing. Incidents of discrimination were more frequent in rural areas.

In June 2009 in Rajkot, Gujarat, two government health functionaries put a label marked "HIV positive" on a female patient's forehead and paraded her through different wards in a government hospital. The two were found guilty of negligence, fined, and suspended from duty for several days.

On October 11, approximately 800 participants attended a two-day summit in Bangalore supported by UNICEF to discuss the crisis of stigma and discrimination of those affected by HIV in the country. Social activists working with HIV-affected individuals claimed that they were being denied basic rights to education, employment, and nutrition.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the Government generally respected this right. Public servants have limited organizing rights. Although there were more than 400 million persons in the country's active workforce, only 30 million worked in the formal sector; the rest were informal agricultural workers and, to a lesser extent, urban nonindustrial laborers. Most of the country's estimated 13 to 15 million union members were in the formal sector; trade unions represented a small number of agricultural and informal sector workers. An estimated 80 percent of unionized workers were members of unions affiliated with one of five major trade federations. Unaffiliated unions generally were not able to secure the protections and rights the law provides. In practice legal protections of worker rights, including freedom of association, were effective only in the organized industrial sector, in which authorities generally prosecuted and punished persons responsible for intimidation or suppression of legitimate trade union activities.

Employers are not legally obligated to recognize a union, and some employers established and recognized company unions or "worker committees" rather than allowing representational unions.

The law allows unions to conduct their activities without interference, and the Government protected this right in the formal industrial sector, including the right

to strike. The Essential Services Maintenance Act allows the Government to ban strikes in government-owned enterprises and requires arbitration in specified essential industries; the act is subject to varying interpretations from state to state. State and local authorities occasionally used their power to declare strikes illegal and to force adjudication. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

On September 21, after weeks of negotiations, a group of Foxconn India employees went on strike at a facility in Chennai. They demanded wage increases and union recognition. On September 22, the Tamil Nadu Labor Department declared the strike illegal because no prior notice was given to Foxconn management. On October 6, more than 500 employees occupied the Foxconn facility; police arrested 319 of them, but they were granted bail almost immediately. At year's end Foxconn management had not recognized the union.

b. The Right to Organize and Bargain Collectively.—The Government protects collective bargaining under the law, but employers are not legally obligated to engage in collective bargaining. When parties cannot agree on equitable wages, the Government may establish a board of union, management, and government representatives to make a determination. Specialized labor courts adjudicated labor disputes, but there were long delays and a backlog of unresolved cases.

The law prohibits discrimination against union members and organizers, and employers were penalized if they discriminated against employees engaged in union activities.

The law provides workers in export processing zones (EPZs) the right to join trade unions and bargain collectively; however, unions in the EPZs faced restrictions, such as a 45-day notice-of-strike requirement due to the EPZs' designation as "public utilities" and employee-only restrictions on entry to the EPZs, which limited union organizers. EPZ workers often were employed on temporary contracts. 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, but such practices remained widespread. Estimates of the number of bonded laborers in the country varied widely; several NGOs placed the number in the millions.

Most bonded labor occurred in agriculture; according to NGOs, nonagricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, and beedi production (hand-rolled cigarettes).

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 Sulungs or Puroiks as customary slaves.

Prison sentences for employers of forced laborers could be as long as three years, 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 tolerance of forced labor. When inspectors referred violations for prosecution, long court backlogs and inadequate prosecution sometimes resulted in acquittals.

Ministry of Labor and Employment 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.

The Ministry of Labor continued to partner with the NHRC and NGOs to investigate allegations of bonded labor. In partnership with state governments (Tamil Nadu, Andhra Pradesh, Haryana, and Orissa) and the ILO, in 2009-10 the ministry launched a new approach to prevent bonded labor, targeting historically vulnerable populations. The initiative integrated existing government programs to target workers vulnerable to bonded labor, starting with the brick kiln and construction sectors. Since 1976 the Ministry of Labor has freed and rehabilitated approximately 270,000 bonded laborers from 18 states across the country. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—There is no overall minimum age for child labor. Child labor was widespread due to social tolerance of the practice, weak state and federal government enforcement of existing laws, and poverty. The absence of a minimum age for employment increased the risk of children falling victim to the worst forms of child labor.

Children of any age may be employed, with some restrictions. In occupations and processes in which child labor is permitted, children may work only for six hours a day, 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 Child Labor (Prohibi-

tion and Abolition) Act (CLPAA). The penalty for employers of children in hazardous industries is 20,000 rupees (approximately \$454) per child employed. The fines go into a welfare fund for formerly employed children. The law requires the Government to find employment for an adult member of an unlawfully employed child's family or pay 5,000 rupees (\$114) to the family. NGOs noted that requiring the Government to pay the family of a child laborer or find the adult family member a job could be a disincentive to investigating violations. The law does not apply to family farms or family businesses, both large sectors of the economy.

The minimum age for hazardous work is 14 years old; the international age standard for hazardous work is 18 years old. The Government defines hazardous occupations and processes and prohibits work by children under 14 years old in factories, mines, domestic service, carpet weaving, roadside eateries, and other areas. During the year the Government added circus work and elephant care to the list of occupations prohibited for children.

Estimates of the number of child laborers varied widely. The Government's 2004 national survey estimated the number of working children between the ages five and 14 at 16.4 million. NGOs claimed the number of child laborers was between 55 and 87 million.

The majority of child labor occurred in agriculture and the informal economy. The following industries also reportedly used child labor: leather goods, carpets, embroidered textiles, 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, illegal mining, rice milling, sorting trash for items to resell or recycle, and beedi production. A number of these industries exposed children to hazardous work conditions.

Forced child labor, including as bonded labor, remained a serious problem. Children performed forced or indentured labor as factory workers, domestic servants, and beggars, as well as in gemstone cutting, quarrying, hybrid seed production, circuses, brick kilns, rice mills, garment assembly, silk thread production, and textile embroidery.

According to the Carpet Export Promotion Council, the incidence of bonded child labor declined in formal sector carpet production due to a combination of changing market preferences and campaigns to end child labor by the Government and NGOs.

According to a 2009 UNICEF report, 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 years old; the children were predominantly Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt bondage. They were routinely abused, exposed to dangerous pesticides, and denied access to education.

State governments enforce labor laws and employ labor inspectors, while the Ministry of Labor provides oversight and coordination; however, enforcement was inadequate. During 2008-09, the ministry reported 12,244 labor prosecutions and 566 convictions nationwide. Employers in cottage industries often claimed child laborers were assisting their families, an exemption under the CLPAA. Labor inspectors also generally did not investigate family businesses, including farms, as these are not covered under the labor law. The ministry reportedly conducted 2,860 inspections for domestic child labor (that is, in a home) during 2008-09, noted 2,277 violations, and pursued two prosecutions, but there were no convictions.

On February 1, police registered a case of domestic child labor against a senior bureaucrat in New Delhi for abusing an 11-year-old boy at his home. The boy was made to work from 5 a.m. until midnight every day. At year's end the case continued.

The Ministry of Labor reported more than 40,000 child laborers rescued between January and December 2009. During the year New Delhi's state government rescued more than 100 children from forced labor, including the May rescue of 54 trafficked children found enslaved in six small factories making buttons under hazardous conditions with meager pay. During Child Labor Action Week in June, the NGO Bachpan Bachao Andolan—working with state governments and local police—rescued more than 370 bonded child laborers from various parts of the country. All rescued children were entitled to rehabilitation packages of 20,000 rupees (\$420) and priority access to government housing and education.

In November local police and two NGOs rescued 27 children between nine and 14 years old from forced labor conditions in a circus company in Chittoor, Andhra Pradesh. Local police cooperated with two NGOs in the rescue. Nine of the children had been trafficked from Nepal.

According to the Ministry of Labor, as of July 2009 states had provided welfare to 507,450 former child laborers during the year.

The Ministry of Labor continued to raise awareness about child labor and coordinated its efforts with states. On July 31, the ministry launched a five-year, 308.25 million rupees (\$6.85 million) child labor prevention program, with an emphasis on children vulnerable to trafficking, in the areas of Orissa, Madhya Pradesh, Gujarat, Jharkhand, and Bihar. Some states were in the process of implementing action plans to eliminate child labor from hazardous industries.

The Government and NGOs anticipated that the Right to Education Act, which came into force on April 1, would help reduce child labor and trafficking in the long term by increasing school enrollment among otherwise vulnerable children.

See also the State Department's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—State government laws set minimum wages, hours of work, and safety and health standards. During the year the federal government increased its floor minimum wages from 80 rupees (\$1.80) to 100 rupees (\$2.20), suggesting it would pay a minimum of 100 rupees for any employment. Minimum wages varied according to the state and to the sector of industry, but generally did not provide a decent standard of living for a worker and family. However, most workers 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 effectively enforce it.

In October the People's Union for Democratic Rights alleged that several contractors and government agencies had flouted labor laws by not paying minimum wages to many of the more than 70,000 laborers who built the infrastructure and buildings used for the October 3 to 14 Commonwealth Games in New Delhi. The Delhi High Court ordered various government agencies to submit by November 11 information related to the deaths of and injuries to workers at Commonwealth Games construction sites, as well as to the compensation paid to them; however, there was no information available at year's end.

The Factories Act mandates a maximum eight-hour workday and 48-hour workweek, as well as safe working conditions, which include adequate provisions for restrooms, canteens, medical facilities, and 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; they generally were not observed in the informal economy, which employed nearly 93 percent of the workforce.

Enforcement of safety and health standards was poor, especially in the informal sector but also in some formal sector industries. The country's undocumented foreign workers did not receive basic occupational health and safety protections.

In a study conducted in 2009 and during the year, the National Referral Centre for Lead Poisoning Prevention in India found dangerous levels of lead in blood samples collected from a cross-company study of workers in the country's battery industry. The Government has not established biological exposure indices for lead or other hazardous chemicals for the workplace.

Industrial accidents occurred frequently. Chemical industries had the highest number of accidents. Safety conditions were in general better in the EPZs than in the manufacturing sector outside the EPZs.

Coal mines located in Jaintia District, Meghalaya, had poor working conditions. The privately owned mines employed mostly young adults who were not provided any protective gear. The mines had no safety systems or hardware, were unregulated, and did not fall under the ambit of the safety regulations.

Members of Scheduled Castes and Tribes, including children, often worked as rag pickers, recycling trash under hazardous and generally deplorable conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

The law does not give workers the right to leave workplaces that endanger health and safety without jeopardizing their continued employment.

KAZAKHSTAN

The Republic of Kazakhstan, with a population of approximately 15.6 million, has a parliamentary system dominated by President Nursultan Nazarbayev's Nur Otan Party. 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 2007 national elections for the Mazhilis (lower house of parliament) fell short of international standards. Nur Otan received 88 percent

of the vote, winning every seat in the chamber. Security forces reported to civilian authorities.

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 torture and other 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 against gays, lesbians, bisexuals, transgender persons, and those with HIV/AIDS.

RESPECT FOR HUMAN RIGHTS

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

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

On February 9, the prosecutor general denied a request for an inquiry into the death of Azamat Karibayev, who died in prison in December 2009. Three months after authorities sentenced Karibayev on terrorism charges, his body was found in his prison cell with evidence of abuse. Karibayev's widow claimed that a stranger alerted her by phone that her husband had been killed and said that the Committee for National Security (KNB) tortured him to force him to abandon his "nonofficial" form of Islam. Prior to his death, human rights activists considered his trial fraught with irregularities.

On July 22, Maksim Kozhanov, an inmate of the Dolinka prison near Karaganda, reportedly committed suicide. Kozhanov had produced a video showing an inmate beaten by a prison officer, which prison authorities and independent NGO observers later proved to be falsified. To protest subsequent punishment, a group of inmates, including Kozhanov, cut open their abdomens as an act of group self-mutilation. Officials placed Kozhanov in the prison hospital, where he was found hanged the next day. On November 11, a court sentenced the inmates who helped orchestrate the video to an additional year in prison.

Military hazing led to deaths, suicides, and serious injuries. The Government reported 93 incidents of nonlethal military hazing during the year. The Government did not publish statistics on the number of deaths linked to hazing during the year. The number of suicides in the army did not significantly change from the previous year. Authorities reported 17 suicides; there were 16 in 2009.

On March 4, a contract-service sergeant in the Almaty-garrisoned Air Defense Brigade apparently beat several conscripts severely, causing the death of Azamat Orazbayev and seriously injuring two other conscripts. Authorities arrested the sergeant, fired the garrison commander, and initiated an ongoing investigation.

On May 15, authorities found Yerlan Torebekov's body in a military hospital maintenance facility, where the main Military Prosecutor's Office alleged he had swallowed a needle while repairing his shirt. Officials later claimed he hanged himself. Torebekov's parents exhumed their son's body and discovered evidence of abuse. Authorities initiated an ongoing investigation into the death.

b. Disappearance.—On August 14, Edgar Salduzi, a prominent businessman involved in a highly publicized business dispute with Maira Nazarbayeva, President Nazarbayev's sister-in-law, disappeared after leaving his home to meet with a business partner. Almaty police and the city department of the National Security Committee found the kidnapped businessman alive on September 27.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; nevertheless, the police and prison officials regularly beat and abused detainees, often to obtain confessions. Human rights activists asserted that the legal definition of torture was too vague and did not meet UN standards and that the penalties for the crime were too lenient. The Prosecutor General's Office (PGO), the Presidential Human Rights Commission, and the human rights ombudsman acknowledged that some law enforcement officers used torture and other illegal methods of investigation. 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.

From September 29 to October 1, Manfred Nowak, the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, met with government officials and NGOs to discuss recommendations made during his May 2009 visit, during which he inspected several prisons and detention facilities. At an

event hosted by the Office of the UN High Commissioner for Refugees (UNHCR) and several NGOs, Nowak stated that, in his six years in office, Kazakhstan was the only country that attempted to conceal the actual situation in its prisons. According to his assessment, torture was not widespread, although a culture of impunity allowed police to use extreme methods, such as heavy beating and asphyxiation, to obtain confessions. Nowak stated that police rarely investigated complaints of torture.

The human rights ombudsman reviewed prisoner and detainee complaints. The ombudsman can either issue a recommendation directly to the relevant agency or release a public statement, though it legally cannot force compliance with its recommendations. The Coalition of NGOs against Torture received 263 complaints during the year. Local NGOs reported that, in contrast with past practice, the Government acknowledged publicly that torture was a problem.

On March 20, according to a Coalition of NGOs report, a group of prison officers and prisoners severely beat Zhandos Sagatov, a convict in the Zarechniy prison near Almaty, for several hours. Responding to NGO pressure, prosecutors brought charges of torture against prison officials in an ongoing investigation. On October 6, prisoner Kanat Mukhambetkaliyev died in the hospital after experiencing kidney failure. Multiple NGOs reported that prison authorities severely beat him causing bruises on his body, which later resulted in his death. As of November 17, authorities had charged two prison officers, Nikolay Sidorovich and Gabit Baytishkin, with abuse of power in an ongoing investigation.

At year's end authorities continued the case against three fishermen who were detained in April 2009 on suspicion of poaching and reportedly beaten in detention. The KNB asserted that they released the fishermen, although the fishermen told the media they escaped from the detention facility. All three were hospitalized for internal injuries, and one fisherman suffered from a concussion. The KNB denied any wrongdoing and opened a criminal investigation against the men for poaching.

The Government charged 162 military service members with crimes related to military hazing and abuse of power during the year, compared with 167 in 2009.

The Government investigated some allegations of conscript hazing and prosecuted soldiers who engaged in this abuse, forwarding 32 hazing cases to the courts. The Ministry of Defense continued unannounced inspections and required systematic reports from senior officers about hazing in their units.

Prison and Detention Center Conditions.—Prison conditions remained harsh and facilities did not meet international health standards. Scarcity of medical care continued to be a problem. NGOs reported that approximately half of the inmate population needed professional treatment, especially for HIV/AIDS, tuberculosis, and other infectious diseases. Abuse occurred in police cells, pretrial detention facilities, and prisons. Observers cited severe overcrowding, poor treatment of inmates and detainees, and the lack of professional training programs for administrators.

According to observers prisoners and detainees generally had reasonable access to visitors, and there were no complaints concerning religious observance. The Coalition of NGOs against Torture reported an increase in the submission of all complaints from prisoners. Due to new regulations that mandate civil society engagement in torture complaints, Prison Reform International (PRI) representatives stated that authorities granted media and independent monitors increased access to report on prison conditions. PRI credited these monitors with ensuring prison officials' accountability in a handful of cases.

During the year the Government reported 31 deaths in pretrial detention centers and police cells, compared with 43 in 2009, and PRI reported 351 deaths during the first 10 months of 2010 among both detainees and prisoners. The Government reported 40 suicides in 2010—a decrease from 2009—of which three occurred in pretrial detention facilities, 36 in prisons, and one in a police cell.

According to the latest statistics available from prison monitoring NGOs, there were approximately 55,000 prisoners and detainees in pretrial facilities. Men, women, and juveniles were held separately. Detainees were lodged apart from prisoners. There were no reports that political prisoners were held separately from the rest of the prison population.

Incidents of inmates' self-mutilation as a protest against harsh prison conditions and abuse continued, with 87 cases involving 174 inmates reported during the year; 27 were group mutilations. NGOs reported that the increase of reports on prison abuse did not reflect worsening conditions but rather increased transparency throughout the prison system.

On February 1, several inmates in Eastern Kazakhstan prison 156/17, designated for former law enforcement officers, committed self-mutilation to protest the lack of heat and hot water during the winter.

On July 3, 14 inmates from Stepnoy village prison 166/26 committed self-mutilation to protest abuse by prison personnel. The authorities pressed criminal charges of abuse of power and torture against two officials, including the deputy director of Akmolinsk regional penitentiary committee, whom they also fired. The prosecutor's office concluded its investigation, and a court hearing was pending. On July 5, another group of inmates committed self-mutilation. The inmates' relatives and prisoners' rights advocates disseminated to the media images and videos of the mutilation taken with cell phones.

On July 22, 37 inmates from prison 164/4 in Gorni village, North Kazakhstan, committed group self-mutilation to protest abuse. After an investigation authorities transferred 12 inmates to other prisons.

On July 30, according to the Kazakhstan International Human Rights Bureau, four prisoners from the Almaty pretrial detention facility cut their abdomens. Following subsequent reports that authorities severely beat the four prisoners, their relatives protested in front of the detention facility. Approximately 40 prisoners submitted written complaints to the prosecutor general. According to Ardak Zhanabilova, leader of the Public Monitoring Commission, all reasonable complaints have been satisfied.

On August 9, approximately 300 inmates from prison 166/25 in Granitni village, Akmolinsk region, engaged in a group self-mutilation protest. Because of an ensuing riot to which authorities dispatched troops, two inmates died, 100 were injured, and 70 were hospitalized.

On August 24, Yermek Narymbayev went on a hunger strike in an attempt to urge the Almaty Court of Appeals to review his case. His initial 15-day sentence for holding an unsanctioned demonstration in May turned into four years when claims of violent behavior toward police surfaced.

Civil society activists worked with the councils for public oversight of the Ministry of Justice and the Ministry of Internal Affairs, as well as the human rights ombudsman's Countertorture Working Group, to monitor the situation in prisons and detention facilities. Many observers criticized the councils for lacking independence and clearly defined authority or power.

The Government addressed systemic patterns that encouraged prisoner abuse by increasing access for regional penitentiary oversight commissions, training programs for prison officials, and police seminars. By year's end, authorities had investigated 48 law enforcement officials and prosecuted 15 for abuses. Courts convicted four law enforcement officers on torture charges.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but problems remained.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs supervises the national police force, which has primary responsibility for internal security, including investigation and prevention of crimes and administrative offenses and maintenance of public order and security. The Agency for Combating Economic and Corruption Crimes (Financial Police) has administrative and criminal investigative powers. The KNB plays a role in border security, internal security, antiterrorism efforts, and the investigation and interdiction of illegal or unregistered groups, such as extremist groups, military groups, political parties, religious groups, and trade unions. In February 2009 the Government established a separate external intelligence service, Syrbar, which reports directly to the president. The Financial Police and the KNB report directly to the president.

During the year the Government maintained Ministry of Internal Affairs hotlines and received more than 13,617 complaints about police corruption and abuse. The majority of ministers, including the prime minister, maintained personal blogs where citizens could submit their complaints.

The prosecutor general chaired a council for coordination of law enforcement operations. Staff included heads of other law enforcement agencies. Among its many duties, the council reviewed complaints against law enforcement.

The Ministry of Internal Affairs cooperated with NGOs to provide human rights training programs for local police. The Government cooperated with international organizations to provide limited law enforcement training courses aimed at decreasing abuse by emphasizing investigative skill development.

Arrest Procedures and Treatment While in Detention.—In 2008 the Government passed legislation to transfer the power to sanction arrest from prosecutors to the judiciary. Independent observers reported that judges usually sanctioned prosecutors' requests. Of the suspects detained by police in 2009, 98 percent were arrested, compared with 91.3 to 92 percent between 2006 and 2008.

Prosecutors continued to have the power to authorize investigative actions, such as search and seizure. The law allows police to hold a detainee for 72 hours before

bringing charges. Human rights observers criticized this 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. By law prisoners are granted prompt access to family members; however, prisoners sometimes are sent to facilities located far from their home and relatives, restricting access for those who could not afford the travel.

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. The law does not require police to inform detainees that they have the right to an attorney, and in practice police did not do so. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee'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 faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants.

Some defendants were barred from freely choosing their defense counsel because the cases against them involved state secrets, and the law only allows lawyers who have special clearance to work on such cases. In the embezzlement case that resulted in the March 15 conviction of the Mukhtar Dzhakishev, former manager of the state-owned uranium company KazAtomProm, the KNB barred Dzhakishev from meeting with his attorney because the lawyer lacked the necessary clearance. Dzhakishev eventually chose an attorney from the list of approved lawyers and was allowed to meet with him.

Prosecutors reported continuing problems with arbitrary arrest and detention of citizens. During the first nine months of 2010, authorities released 1,000 persons from illegal pretrial detention and 973 from illegal custody in police offices.

The Government occasionally arrested and detained government opponents and critics, sometimes for minor infractions such as unsanctioned assembly. Nevertheless, there were no allegations of prolonged detention for political offenses.

e. Denial of Fair Public Trial.—The law does not provide for an independent judiciary. The executive branch limited judicial independence. Prosecutors enjoyed a quasijudicial role and had authority 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, prosecutors, and other officials solicited bribes in exchange for favorable rulings in the majority of criminal cases.

Military courts have jurisdiction over civilian criminal defendants allegedly connected to military personnel undergoing a criminal trial. Military courts use the same criminal code as civilian courts.

Trial Procedures.—All defendants enjoy a presumption of innocence and are protected from self-incrimination. Trials were public except in instances that could compromise state secrets or when necessary to protect the private life or personal family concerns of a citizen. Nevertheless, there were several reported cases of journalists and observers denied access to open court hearings. Only defendants charged with capital crimes are entitled to trial by jury.

Courts conducted jury trials for aggravated murder cases, pursuant to legislation enacted in 2006. Observers noted that the juror selection process was inconsistent and that judges, who deliberate with the jurors, tended to dominate the process. Through the first 11 months of 2010, courts conducted 206 jury trials involving 286 defendants; jurors acquitted 19.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code a defendant 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 provide sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, defense attorneys play a narrow role in trials, which are dominated by prosecutors.

Kazakhstani and international human rights organizations reported numerous problems in the judicial system, including lack of access to court proceedings, lack of access to government-held evidence, frequent procedural violations, poor expla-

nation of rights to defendants, denial of defense counsel motions, and failure of judges to investigate allegations that confessions had been extracted through torture or duress. Activists called for the use of juries for a wider range of trials. Lack of due process was a problem, particularly in a handful of politically motivated trials involving protests by opposition activists and in cases when improper political or financial influence was alleged.

On April 26, the Supreme Court Panel for Procedural Review rejected a petition submitted by Vitaly Voronov, a lawyer for prominent human rights defender Yevgeniy Zhovtis, to review the lower-court ruling that convicted Zhovtis for vehicular manslaughter and sentenced him to four years in prison. The charge stemmed from a July 2009 accident in which Zhovtis struck and killed a pedestrian with his car. In December 2009 an Almaty district court judicial review panel refused to review the appellate court's decision based on a request by Zhovtis' defense team. Local and international observers strongly criticized the trial for numerous procedural violations. Some observers alleged that the sentence imposed on Zhovtis, a critic of the Government, was harsh and politically motivated.

On August 9, the Supreme Court rejected an appeal by Vremya journalist Tokhniyaz Kuchukov for a more lenient sentence for his involvement in a fatal vehicular accident in 2009.

On December 6, the Supreme Court rejected an appeal by Aydos Sadykov, an opposition journalist found guilty of "hooliganism" and resisting police in July. There were reports the two-year sentence was politically motivated.

Political Prisoners and Detainees.—Local and international human rights NGOs asserted that the prison sentence imposed on Yevgeniy Zhovtis amounted to political persecution to silence the Government's most vocal critic in advance of the country's 2010 chairmanship of the Organization for Security and Cooperation in Europe (OSCE). Although Zhovtis was closely monitored and was the only prisoner not allowed to work or spend weekends outside of his penal colony, he was allowed to publish articles and release statements.

Civil Judicial Procedures and Remedies.—Economic and administrative court judges handle civil cases 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 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 privacy violations; however, the Government at times infringed on these rights.

The law provides prosecutors with extensive authority to limit citizens' constitutional rights. The KNB, the Ministry of Internal Affairs, 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 of a prosecutor's decision but cannot issue an immediate injunction to cease an infringement. In June 2009 parliament amended the criminal procedure code to expand the range of cases in which police could wiretap and record communications without a warrant, allowing it in cases of medium gravity as well as in urgent and grave ones, which was previously the standard.

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 the 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, the president's family, and other senior officials. The Government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir, a prohibited extremist political organization, as incitement for political and terrorist purposes and beyond the bounds of constitutionally protected free speech.

According to government statistics, approximately 20 percent of the 2,973 media outlets were government-owned. Many privately owned newspapers and television

stations received government subsidies. The majority of broadcast media that the Government did not own, including the larger outlets, nonetheless were owned by holding companies believed to be controlled by members of the president's family or by loyal associates. Media observers believed that most of the seven nationwide television broadcasters were owned wholly or partly by the Government. Regional governments owned several frequencies, and the Ministry of Communications and Information distributed them to independent broadcasters via a tender system.

All media were required to register with the Ministry of Communications and Information, although Web sites were exempt from this requirement. In February 2009 the president signed amendments to the media law that removed requirements for media to reregister if their senior leadership changes and to obtain permission to record interviews. The State Commission on the Distribution of Television and Radio Frequencies did not meet in 2010, which made new licensing impossible. As a result of a 2009 government tender, all radio frequencies in major cities and regions went to one company that the Government favored. Similarly, in 2008 the Government conducted a tender for new licenses for television frequencies, but media monitors charged that the Government predetermined the results and awarded all new television frequencies to companies that it favored.

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 programs, although the Government did not sanction any media outlet under this provision.

Harassment of and violence against journalists remained a problem. During the year press advocacy NGO Adil Soz recorded eight attacks on newspaper offices and journalists, five threats to journalists, and three cases of forced suspension or discontinuance of a publication. Reporters were prevented from performing their professional duties in 24 instances, and journalists were denied or given significantly restricted access to public information 210 times, according to the NGO. Journalists working in opposition media and those covering corruption reported harassment and intimidation by government officials and private actors.

There were no developments in the January 2009 attack by unknown assailants on Yermek Boltay, Web site editor and part-time contributor to Radio Free Europe and Radio Azzatyk. Several men reportedly approached Boltay on the street and asked him for money; when he refused, they assaulted him. The police treated the case as a "hooligan attack."

On July 6, jailed and ailing Ramazan Yesergepov, owner and editor in chief of the Alma-Ata Info newspaper, went on a hunger strike to protest his imprisonment. In an August 2009 closed hearing, a Taraz city court found Yesergepov guilty of divulging classified documents and sentenced him to three years in prison. The charge stemmed from a 2008 article in Alma-Ata Info on government corruption that contained ostensibly secret KNB documents. In August 2009 in a separate hearing, the Supreme Court ruled against Alma-Ata Info and upheld a lower court's ruling that suspended the newspaper for three months for publishing classified documents. In October 2009 the Zhambyl regional court denied Yesergepov's appeal and upheld the original conviction.

On December 15, AKI Press news agency reported that the PGO provided Kyrgyzstani authorities with suspects in the case of Kyrgyzstani opposition journalist Gennadi Pavlyuk, who died in Almaty in December 2009 from injuries sustained after unknown assailants allegedly bound his hands and feet and pushed him from a sixth-floor window. On December 1, a court in Almaty issued an arrest warrant for one of the suspects, Aldayar Ismankulov, on charges of kidnapping and extortion. According to media reports, Pavlyuk intended to establish an opposition newspaper and Internet portal in Kyrgyzstan. In December 2009 the Ministry of Internal Affairs claimed it had identified several suspects in the case, all of whom were Kyrgyz nationals. The Ministry of Internal Affairs did not provide further details on the suspects or their possible motives.

Incidents of local government pressure on the media continued. On October 7, Adil Soz reported that the Ust-Kamenogorsk deputy akim advised Internet portal Stan.TV correspondent Alla Stepanova to refrain from covering a protest rally and threatened her with criminal charges. Following her publication of these allegations, the deputy threatened to sue Stepanova for defamation.

There were no reports of forced closures under the restrictive media law enacted in 2006. The amendment to the media law included tightened government control, requiring media owners to reregister upon any change in editor, address, or frequency of publishing; a prohibition on persons convicted of libel to hold a managing editor position at another media outlet; a prohibition on registering an outlet under a name similar to one that had been closed 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 unless it came from an official source. The Government used this provision to limit media freedom. The law prohibits publication of any statement that promotes or glorifies "extremism," a term that international legal experts said the Government had not clearly defined.

The Government subjected media outlets willing to criticize the president directly to intimidation such as law enforcement actions or civil suits. Although these actions had a chilling effect on media outlets, criticism of government policies continued.

The law on state secrets makes it a criminal offense to release information regarding 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.

Private parties could initiate criminal libel suits without independent action by 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 increasingly 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 liability for libel. The requirement that owners, editors, distributors, publishing houses, and journalists prove the veracity of published information, regardless of its source, promoted self-censorship at each level. In 2009 Respublika ceased its printing operations because it could not pay exorbitant libel claims.

NGOs and monitors reported that libel cases against journalists and media outlets remained a problem. During the year, according to Adil Soz, seven local journalists were prosecuted for libel. A total of 54 civil lawsuits, including 24 from state officials and 21 from private citizens, were brought against media outlets and claimed moral damages amounting to 7.5 million tenge (\$5.14 million). During the year five journalists were serving prison sentences.

Internet Freedom.—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 state regulated the country's three Internet service providers, including the state-owned Kaztelecom. Nevertheless, Web sites expressed a wide variety of views, including viewpoints critical of the Government. According to an independent marketing firm, there were 4.3 million regular (primarily urban) Internet users in the country (26.5 percent of the population).

During the year Adil Soz reported that no media outlets or Web sites were shut down for inciting ethnic violence following a 2009 law that made it easier for the Government to shut down media outlets, including Web sites, for violations during electoral periods or for inciting interethnic violence. The law reclassified all Web sites, including chat rooms and blogs, as "media outlets," making them subject to the media law. It broadened the definition of "disseminated media products" to include information posted on the Internet.

The Government did not attempt to collect, request, obtain or disclose personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or belief.

The Ministry of Communications and Information controlled the registration of .kz Internet domains. Authorities 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.

Adil Soz reported 12 cases of government blocking or restricting access to Web sites and the Government's continuing intermittent blocking of the Web site LiveJournal throughout the year, although the site remained accessible through other servers. Bloggers reported anecdotally that their sites were periodically blocked.

The opposition-oriented Web site zona.kz reported coordinated cyber attacks against it in February and April, and a 10-day attack in May.

Throughout the year the Committee to Protect Journalists reported the Web site of opposition newspaper Respublika remained inaccessible by Kaztelecom users, the Government-owned Internet service provider. Users were able to access the newspaper online by use of alternative Web addresses. On February 2, an Almaty court prohibited the distribution of Respublika's printed newspaper due to the publica-

tion's inability to pay 60 million tenge (approximately \$400,000) after it lost a 2009 lawsuit filed by BTA Bank.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom, although academics, as with other citizens, were prohibited from infringing on the dignity and honor of the president and his family.

In August the administration of the Eurasian National University of Astana denied the appointment of Aleksander Ukhman as a permanent lecturer, reportedly because the Ministry of Internal Affairs did not want the job given to a Communist Party member. According to Ukhman, during a conflict with the local police in Karaganda city on July 10, a police officer, Major Kiril Korniyenko, threatened to jeopardize Ukhman's employment prospects at the university.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for limited freedom of assembly. There were significant restrictions on this right in practice, and police used force to disrupt peaceful demonstrations. The law defines national security threats to include unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

Under the laws governing public assembly, organizations must apply to local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance. 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 noted that local authorities turned down most applications for demonstrations. Authorities often detained briefly and fined organizers of unsanctioned gatherings, including political party gatherings. Authorities designated locations for sanctioned protests in less populous city outskirts.

The National Human Rights Action Plan 2009-12 noted that the country's legal norms on public gatherings at times contradicted international standards.

On March 16, a court fined Bakhytzhana Toregozhina, chairperson of the Ar.Rukh.Khak public fund, 56,520 tenge (\$382) for holding a "flash mob" (a spontaneous demonstration organized using mobile technology) on March 11 in a public garden in Almaty. The representatives of the prosecutor's office who observed the event failed to warn her that the action was illegal.

On March 26, a court sentenced the chairman of the unregistered Alga political party to 10 days in prison for distributing booklets with biographical information about the former head of the KazAtomProm Company, Mukhtar Dzhakishev. The courts considered booklet distribution an unsanctioned demonstration.

On May 5, an Almaty court sentenced the leader of the Alga party, Vladimir Kozlov, to a 15-day sentence for organizing an unsanctioned rally. The Alga and Communist Parties organized the rally on May 1, with more than 500 activists in the yard of the Alga office in Almaty. Following the rally police blocked the yard entrance to prevent activists from marching en masse and detained a number of activists, including journalist Zhanna Baytelova and the leader of the Arman movement, Yermek Narymbayev.

On June 21, journalist Yekaterina Belyayeva approached the Monument of Independence in Almaty alone and unfolded a poster to protest of the Leader of the Nation Law. Police seized the poster, tore it apart, and detained Belyayeva for five hours.

On July 10, local police dispersed a gathering of residents in Karaganda. The district akim, who had promised to meet residents to discuss water supply problems, did not show up. The residents picketed his office, but local police reportedly provoked a scuffle, dispersed the gathering, and detained three activists, Andrey Tsukonov, A. Bomdarenko, and Aleksander Ukhman. Police reportedly beat Ukhman during questioning at the police station. On July 12, the Administrative Court of Karaganda City sentenced Tsukanov and Ukhman to a one-day jail term for disobedience to the police.

Freedom of Association.—The law provides for limited freedom of association. 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 as well as with ministry branches in every region in which the organization conducts activities. The law requires public or religious associations to define their specific activities, and associations that act outside the scope of their charter may be warned, fined, suspended, or ultimately prohibited. 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 in order to register at the local level and must have branches in more than half of the regions for national registration. The Government considered political parties and labor unions to be membership organizations but had additional specific registration requirements for them. The law requires 40,000 signatures for registration. If authorities challenge the applications alleging irregular signatures, the registration process can continue as long as the total number of eligible signatures remains above the minimum. The law 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.

On June 28, Vladimir Kozlov, leader of the unregistered political party Alga, and his lawyer Sergey Utkin, received an Almaty Tax Committee letter stating that they owed an additional six million tenge (\$41,000). In calculating the tax, the tax committee included party branch office buildings in every region of the country as Kozlov's property. Kozlov stated that Alga party members could not legally conduct political party-related business during the year because the party had not been registered. The group continued its activities through public associations registered at a regional level. On October 28, the Government began an investigation of Kozlov for a possible tax evasion charge, claiming he owed over three million tenge (\$20,000).

In July the Ministry of Justice refused to reregister the Azat National Social Democratic Party (ANS DP) due to discrepancies between the Russian and Kazakh versions of the party charter.

NGOs reported that the NGO registration process was fairly straightforward, although corruption in the 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 closed organizations.

The 2005 extremism law criminalizes membership in certain prohibited organizations. Hizb ut-Tahrir was the only organization prohibited under this law. Although it maintained that it was committed to nonviolence, Hizb ut-Tahrir 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.—For a complete description of religious freedom, please see the 2010 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, but there were some regulatory restrictions. The Government generally respected the right in practice, and citizens were able to move within the country with relative ease. The Government cooperated with the UNHCR and other organizations to provide some protection and assistance to refugees, asylum seekers, and other persons of concern.

The Government required citizens and foreigners who remained in the country for more than five days to register with 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 occasionally requested bribes before completing registration. Migration police routinely checked the registration of foreigners, including labor migrants, and reportedly requested bribes. Some foreigners experienced problems travelling to regions outside their registration area.

During the first nine months of the year, the Ministry of Internal Affairs deported 11,677 foreigners for alleged gross violations of the visitor rules; the majority of the foreigners were citizens of countries in 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 the temporary travel of citizens, there were certain instances in which the Government could deny exit from the country, 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.

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 Ministry of Internal Affairs.

Protection of Refugees.—The Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The Government did not forcibly return any refugees during the year.

In April, the country temporarily closed its border with Kyrgyzstan following the unrest leading to the ouster of former Kyrgyz president Bakiyev.

In January a new law on refugees came into force that outlines refugee status determination (RSD) procedures and access to state services, including the right to be registered and issued documents. With UNHCR encouragement, the Committee on Migration under the Ministry of Labor and Social Protection assumed responsibility for RSD procedures formerly performed by the UNHCR for CIS citizens and Chinese Uighurs. Former UNHCR mandate refugees had to reapply for refugee status through the Government beginning in April; if granted, applicants must reapply every year to maintain their refugee status. Observers stated that council representatives suffered from lack of expertise, which the UNHCR attributed to rushed implementation of the law. While the law stipulates that refugees have the right to education and social services, administrative regulations and prohibitive costs for services often precluded this right in practice. In January authorities formed an interministerial working group with the UNHCR to address these problems.

In June the media reported that the Ministry of Internal Affairs and local Almaty law enforcement detained 30 Uzbek and one Uighur asylum seekers for security reasons. The UNHCR maintained regular access to all detainees and did not report abuse.

During the year the KNB launched a probe into a September 2009 incident in which armed and masked men, later identified as Almaty KNB officers, detained three Uzbek and Chinese Uighur national refugees and two asylum seekers, and held them for three hours. Some reported the KNB officers threatened them with deportation or put plastic bags on their heads. In response to the UNHCR's inquiry, the KNB said it was running checks on the detainees. The detainees reported that the KNB officers accused them of killing a police officer in Uzbekistan. The UNHCR had sent a formal protest letter to the Government. The KNB did not release results of the probe by year's end.

The Government generally registered asylum seekers and determined their status in consultation with the UNHCR. 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 registered refugees already present in the country, it did not accept any refugees for resettlement and naturalization. The Government also provided temporary protection to individuals, including some Afghans who would not qualify as refugees.

During the year the UNHCR reported generally excellent cooperation from the Government in assisting refugees and asylum seekers. The Government usually allowed the UNHCR access to detained foreigners to ensure proper treatment and fair determination of 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.

The Committee on Migration in the Ministry of Labor and Social Protection 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, as are any other CIS citizens. 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 due to their inability to return safely to

Chechnya. The Government has 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 effect of this agreement on Uighurs from China living in the country, especially following the transfer of RSD for Uighurs from the UNHCR to the Government.

Stateless Persons—According to government statistics, 7,585 documented stateless persons resided in the country. The UNHCR estimated that the number of stateless persons was 60-100,000. This group largely constituted holders of Soviet passports who failed to renew their documents since independence, ethnic Kazakh repatriates, and labor migrants. There was no reliable source of data on stateless persons. Although provided with the same rights as individuals with resident permits, stateless persons reported difficulty finding legal employment and limited access to education and health care.

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 older than 18 years of age; in practice, the Government severely limited the right of citizens to change their government.

On December 23, a group of government supporters initiated, in accordance with Kazakhstani law, a petition process to replace two scheduled presidential elections with a 2011 referendum to extend President Nazarbayev's term until 2020. By the end of the year, the referendum movement collected approximately 2.5 million signatures—well more than the required 200,000—although there were credible reports many were obtained by coercion. Although parliament expedited constitutional amendments to allow the referendum to take place, the referendum bid ultimately failed and was replaced by an early presidential election.

Although the 2007 constitutional amendments increased legislative authority in some spheres, the constitution continues to concentrate power in the presidency. The president appoints and dismisses most high-level government officials, including the prime minister, the cabinet, the prosecutor general, the KNB chief, Supreme Court and lower-level judges, regional governors, and the chairman and two members of the Central Election Commission (CEC), which oversees presidential and parliamentary elections. The Mazhilis (lower house of parliament) must confirm the president's choice of prime minister, and the senate must confirm the president's choice of prosecutor general, chief of the KNB, Supreme Court judges, and head 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 2007 constitutional amendments exempted President Nazarbayev from the two-term presidential term limit, and an amendment passed during the year gave him protection from prosecution.

On June 15, two leader-of-the-nation laws came into force. The measures established President Nazarbayev as chair of the Kazakhstan People's Assembly, granted him lifetime membership on the Constitutional and Security Councils, allowed him "to address the people of Kazakhstan at any time," and stipulated that all "initiatives on the country's development" must be coordinated through him. Despite a public rejection of the law by Nazarbayev, the presidential administration failed to return the law to parliament, which brought it into force after 30 days.

The Government took no further steps toward meeting the democratic reform commitments it made at the 2007 OSCE Ministerial. In February 2009 the president signed into law amendments on political parties, parliamentary elections, and the media. Some civil society representatives and opposition party members criticized the legislation for not going far enough with reforms and claimed that the legislative process lacked transparency.

Elections and Political Participation.—In the 2007 elections for the Mazhilis, President Nazarbayev's Nur Otan party, the country's dominant political force, received 88 percent of the vote, winning every seat in the chamber. No other party received the necessary seven percent of the vote to obtain Mazhilis seats.

An OSCE election assessment noted several areas of improvement in the conduct of previous national elections, including increased transparency on the part of the CEC. Nevertheless, 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 President Nazarbayev appointed—to choose nine of the 107 members of the Mazhilis. Opposition leaders filed 400 court cases alleging violations. The courts dismissed or denied the majority of the cases.

The Government permitted all registered parties that sought to compete in the 2007 elections to do so, although the system introduced by 2007 constitutional amendments makes no provision for independent candidates in parliamentary elections. 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 authorities pressured persons entering government service to join the Nur Otan party.

At year's end there were 10 registered political parties, including the opposition parties Ak Zhol, Azat, 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. Parties must obtain at least 700 signatures from each oblast and the cities of Astana and Almaty, registration from the CEC, and registration from each oblast-level election commission.

The February 2009 amendments to the law on elections require that the party with the second-highest vote count automatically receives seats in the Mazhilis, even if it fails to reach the 7 percent threshold.

The law prohibits parties established on an ethnic, gender, or religious basis.

In May 2009 the Almaty District Court found Azat chairman Bulat Abilov, Shanyrak movement's Asylbek Kazhakhmetov, and oppositionist Tolen Tokhtasynov guilty of concealing the whereabouts of a suspect in a murder investigation. The court did not impose a sentence on the three oppositionists, because the statute of limitations on the case had run out. The three appealed the charges, claiming the allegations were politically motivated. In July 2009 the Almaty City Appellate Court denied the appeal. There were no further updates on this case.

There were two women in the 47-seat senate and 19 women in the 107-member Mazhilis. There were three women in the cabinet. Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life, although there were no legal restrictions on the participation of women and minorities in politics. There were nine non-Kazakhs in the senate and 27 in the Mazhilis. There were two non-Kazakh cabinet members. Under the 2007 constitutional amendments, the president gained the ability to appoint 15 members of the senate, with the requirement that the appointments facilitate representation of different ethnic and cultural groups.

Section 4. Official Corruption and Government 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 in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The Ministry of Internal Affairs, Financial Police, the KNB, and the 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.

On February 24, the Akmola garrison military court sentenced the former deputy defense minister, Lieutenant-General Kazhimurat Mayermanov, to 11 years in prison for corruption and abuse of office. On April 29, Murat Zhumanbay claimed the Financial Police initiated 87 criminal cases under the state program "100 schools, 100 hospitals," which was designed to build schools and hospitals in disadvantaged communities. On May 7, the Special Interdistrict Court of Astana sentenced the former vice minister for emergency situations, Ablay Sabdalın, to 10 years in prison for bribery and abuse of power. On September 17, the head of the Financial Police, Kayrat Kozhamzharov, announced that the Government had convicted 473 individuals for corruption offenses, including one minister and five to six vice ministers and akims (mayors) since the beginning of the year. In a press release, the Customs Committee announced that the Government had filed 81 criminal cases against officials and 66 corruption offenses were uncovered during the year.

On October 12, the Financial Police initiated two criminal investigations against former health minister Zhaksylyk Doskaliyev for abuse of power and accepting a bribe. At year's end Doskaliyev remained in detention as the investigation was ongoing.

In March 2009 a court sentenced former aide to the president Serik Burkithbayev to six years in prison for committing economic crimes. In May 2009 the KNB arrested the chairman of the state uranium company, Mukhtar Dzhamishev, on charges of abuse of office. A court convicted him in March and sentenced him to 14 years in prison.

Lower- and middle-ranking officials and minor political figures were penalized on corruption charges. The Government reported that during the first 11 months of the year, 1,852 corruption crimes were disclosed, and 662 government officials were convicted. In July the Customs Committee announced that 190 criminal cases had been opened against corrupt customs officials since the beginning of the year. On July 19, Supreme Court Chairman Musabek Alimbekov told the media that 24 judges had been fired for incompetence since the beginning of the year. Two judges were convicted for corruption. Authorities dismissed 61 law enforcement officers for corruption during the year.

In September 2009 President Nazarbayev publicly ordered that all new legislation undergo an "anticorruption examination" to eliminate loopholes that could lead to bribery or embezzlement.

The law mandates that 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. In an NGO Poll, 70.7 percent of respondents stated they could not get information from state agencies and cited red tape, poor content on official Web sites, and long lines in state agencies. Government and public employees, including parliamentarians and their spouses, are subject to financial disclosure requirements.

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 could observe some parliamentary sessions via video link from a separate room. Transcripts of parliamentary sessions were not available to the public. During the year parliament closed public and media access to discussion of controversial legislation.

Section 5. 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, some government restrictions on domestic and international human rights NGO activities remained. International human rights groups reported that the Government continued to monitor the activities of NGOs that worked on sensitive issues and noted government harassment, including police visits and surveillance, of NGO offices and personnel.

The Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Charter for Human Rights, PRI, and Adil Soz were among the most active local human rights NGOs and occasionally faced difficulties in registering and acquiring office space and technical facilities. They also reported the Government audited their records and imposed various legal constraints. Roza Akyzbekova, acting director for the Kazakhstan International Bureau of Human Rights (KIBHR), stated that KIBHR activists faced no government interference in their work during the year and that KIBHR participation in government meetings, workshops, and discussions on human rights issues increased.

On September 27, Ayman Kurmanov, the head of the Talmas public association, stated that the investigation into the September 2009 assault against him was still pending. Although he was not aware of any actions taken by the police, he was questioned by police early in the year. In September 2009 unidentified persons assaulted Kurmanov near his home. Kurmanov and Azat party representatives claimed that the attack directly related to his work with trade unions and alleged that the authorities were involved with the attack.

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 UN, the International Organization for Migration, and the Red Crescent Society also operated freely in the country.

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 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.

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, the parliament, the cabinet, the Constitutional Council, the PGO, the CEC, or the courts. The Ombudsman's Office has 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 visit certain facilities such as military units and prisons, and to publicize the results of investigations in the media. The Ombudsman's Office also published an annual human rights report. During the year the Ombudsman's Office occasionally briefed the media and issued reports discussing complaints it had investigated. According to the 2009 ombudsman's report submitted on March 29, the office received 1,348 complaints in 2009, 273 more than in 2008. Of the total complaints, 20 percent were directed against law enforcement agencies and 17.3 percent concerned court rulings. However, the Ombudsman's Office rejected complaints about court rulings because the office has no jurisdiction over the judicial system.

Domestic human rights observers noted that, although 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 to punish perpetrators. Observers noted that the commission and the ombudsman avoided addressing underlying structural problems that led to human rights violations.

Section 6. 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 effectively enforce the law. Violence against women, trafficking in persons, and discrimination against non-Kazakhs in government, persons with disabilities, and those involved with homosexual activity were problems.

Women.—The law criminalizes rape. The punishment for rape, including spousal rape, ranges from three to 15 years' imprisonment. Among 1,234 officially reported rape cases, authorities charged 540 with criminal rape and convicted 372. Under the law a prosecutor cannot initiate a rape case absent aggravating circumstances, such as gang rape, unless the victim files a complaint. Once a complaint is filed, the criminal investigation cannot be dismissed if the rape victim recants or refuses to cooperate further with the investigation. This provision was 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. In December 2009 President Nazarbayev signed a new law on domestic violence. The law defines for the first time "domestic violence" and "victim;" identifies various types of violence, such as physical, psychological, sexual, and economic; and outlines the responsibilities of the local and national governments and NGOs in providing support to domestic violence victims. The law also outlines mechanisms for issuance of restraining orders and provides for the 24-hour administrative detention of abusers. The criminal procedure code sets the maximum sentence for spousal assault and battery at 10 years in prison, which is the same as for any beating.

NGOs allege that the domestic violence law does not have an effective mechanism for implementation. According to NGOs, domestic violence remained a serious problem. Although official statistics were scarce, activists assessed that one in four families experienced domestic violence. Among 16,197 official domestic violence reports, authorities initiated 1,311 criminal investigations. NGOs reported that 40 percent of such crimes went unreported. In a May 5, interview to *Kazakhstanskaya Pravda*, Zhakyp Asanov, a Mazhilis member and former vice minister of justice, reported that police annually registered over 10,000 domestic violence incidents, some of which resulted in deaths. According to Asanov, 715 women and 129 children died in 2008 as a result of domestic violence. The Union of Crisis Centers claimed that about 500 women died annually as a result of domestic conflicts.

Police intervened in family disputes only when they believed the abuse was life-threatening. According to NGO estimates, police investigated approximately 10 percent of such cases. NGOs conducted training for police officers on how to handle victims of domestic violence.

NGOs reported that women often withdrew their complaints because of economic insecurity. When victims pressed charges for domestic violence or spousal rape, police occasionally tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often light battery, for which judges

sentenced domestic abusers to incarceration at a minimum-security labor colony and 120 to 180 hours of work. Sentences for more serious cases of battery, including spousal battery, range from three months to three years of imprisonment; the maximum sentence for aggravated battery is 10 years of imprisonment.

According to the Government there were 25 crisis centers in the country providing assistance to women and two centers providing assistance to men. All the crisis centers received funding through government and international grants to NGOs. A number of smaller NGOs provided assistance to victims, and six of the crisis centers also provided shelter for victims of violence.

Sexual harassment remained a problem. The law prohibits some forms of sexual harassment, but legal and gender experts regarded the legislation as inadequate. There were reports of incidents of harassment, but in no instance was the law utilized to protect the victim, nor were there reports of any cases prosecuted.

According to the Population Reference Bureau (PRB), the birth rate in the country was 23 births annually per 1,000 members of the population, and the infant mortality rate was 26 infant deaths per 1,000 live births, compared with 32 in 2009.

Couples and individuals have the right to decide the number, spacing, and timing of their children, and have the means to do so free from discrimination, coercion, or violence. Modern contraceptive methods were widely available. Less than 1 percent of women between the ages 15 and 24 and less than 1 percent of the adult population between the ages of 15 and 49 years had contracted or were living with HIV/AIDS between the years 2007 and 2009. Women and men received equal treatment for sexually transmitted infections, including HIV. Skilled personnel attended 100 percent of births, and 100 percent of women received at least one postnatal care visit, according to the PRB. According to the United Nations Population Fund, the maternal mortality ratio was 36.9 deaths per 100,000 live births in 2009.

The constitution and law provide for equal rights and freedoms for men and women. In December 2009 the president signed a new gender equality law that defines the terms "gender," "gender equality," "sexual discrimination," and "equal opportunity" and prohibits discrimination based on gender. The financial and economic crisis affected women more than men, with more women than men losing their jobs. 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.—Citizenship is derived both by birth within the country's territory and from one's parents. The Government has a duty to register all births immediately.

Children's rights are governed by the Law on the Rights of the Child, the Marriage, and Family, the Law on Prevention of Juvenile Delinquency, the Law on Social and Medical Support to Children with Disabilities, and related UN conventions to which the country is a party. In 2006 the Government established a Committee on the Protection of Children's Rights within the Ministry of Education and Science.

Education is mandatory through 16 years of age or secondary school; elementary schooling generally begins at age six. Primary and secondary education is free and universal. The law provides equal access to education for boys and girls. 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 enroll them for fear of discovery and deportation. According to the Ministry of Education, more than 10,000 children were identified as "street children" during the year. According to media reporting, homeless children found by police were placed in centers for temporary detention, where they received medical and psychological assistance before they were released or sent to orphanages. On August 17, President Nazarbayev issued a decree on Law Enforcement Reform, which includes the transfer of temporary detention centers for delinquent and street children from the police to the Ministry of Education.

There were reports of child abuse, although there was no societal pattern. NGOs estimated that more than half of all children younger than 14 experienced at least one incident of physical or psychological abuse by adults. Abuse was more common in rural areas. During the year the Ministry of Internal Affairs permanently terminated custody rights of 1,054 abusive parents. Minors who are 16 or older have the right to file petitions related to their interests directly with a court.

NGOs reported a high number of incidents of violence against children in orphanages, boarding schools, and detention facilities for delinquent children, and there were increased media reports on abuses in orphanages and other institutions. According to media reports, incidents of illegal placement of children in special correction facilities (prisons for underage criminals) and in facilities for the mentally ill occurred.

On March 23, a group of orphans in Pavlodar filed a complaint against the institution's director, Bibigul Karimova, accusing her of abuse. A preliminary investigation confirmed their claims, and Pavlodar police initiated a criminal investigation against Karimova for failure to perform duties to raise an underage child. The investigation was ongoing at year's end.

In June 2009 the courts convicted D. Seytkhanov, a teacher at the Zyrianovsk boarding school for children with mental disabilities, for "inappropriate performance of duties in the education of underage persons related to abusive treatment." The court sentenced Seytkhanov to one year of restricted freedom of movement and a two-year prohibition from teaching.

The minimum age for consensual sex is not specified in any article of the criminal code, but an article provides for 5 to 10 years in prison as punishment for individuals who force underage (less than 18) boys or girls to have sexual intercourse.

During the year the country introduced a criminal statute on the production and distribution of child pornography, and expanded administrative penalties to cover the sale of pornographic materials to minors. The country retains administrative penalties for child pornography.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—Approximately 30,000 to 40,000 Jews lived in the country. There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by Hizb ut-Tahrir. Leaders of the Jewish community reported no cases of anti-Semitism by the Government or in society.

Trafficking in Persons.—For information on trafficking in persons please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—According to the Ministry of Labor and Social Protection, there were 455,600 disabled persons (3 percent of the total population) in the country, although analysts argued that the real number was higher. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services or other areas.

The Law on Social Support to Disabled People protects access to information for persons with disabilities. The Government produced periodicals, scientific journals, reference literature, and fictional works that were either recorded on disk or in Braille. The law requires one national television channel to broadcast news programs with sign-language translation. NGOs believed that implementation of the laws on disability was lacking, and the Nur Otan Party's Institute of Parliamentary Development assessed that access for disabled persons to information and communications was insufficient.

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. The law mandates access to buildings for persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The Government did not make a concerted effort to address these problems.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice the Government committed persons at a young age with permission of their families. Institutions were poorly managed and inadequately funded.

There are no regulations regarding the rights of patients in mental hospitals; human rights observers believed this led to mass abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions, and experienced poor conditions and a complete lack of privacy. NGOs reported orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs. The 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. In 2009 the human rights

ombudsman received five complaints from patients of mental hospitals who disagreed with their placement in these institutions or with treatment they received; the ombudsman did not report any further developments in the cases.

National/Racial/Ethnic Minorities.—The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment. Minorities experienced ethnic prejudice and hostility; encountered incidents of insult, humiliation, or other offenses; and were discriminated against in employment or job retention.

Ethnic Kazakh migrants (oralmans) who returned to the country from abroad experienced domestic discrimination, including problems with housing, employment, and access to social services.

Kazakh is the official state language, although organizations and bodies of local self-administration officially may use Russian on an equal basis with Kazakh. The language law was 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, but most government agencies officially have switched to conducting business in Kazakh, which elicited protests from non-Kazakh speakers against language discrimination. The Election Law requires presidential candidates to be fluent in Kazakh.

Among other forms of discrimination, critics mentioned a scarcity of representatives of non-Kazakh ethnicities in the Government, the fact that only two of the 20 cabinet members were non-Kazakhs, and a reduction in the number of Russian-language schools.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although there were no official statistics on discrimination or violence based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including lesbian, gay, bisexual, and transgender (LGBT) persons, impeded these groups' willingness to come forward and consequently hindered their access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw homosexual conduct. According to a 2009 Soros Foundation study, 64.1 percent of LGBT respondents said they did not face open discrimination in the work place, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation was known publicly risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Several LGBT organizations operating in the country reported that government-run HIV clinics occasionally breached confidentiality and reported patients' sexual orientation to their families and employers. Attempts to report violence against gay, lesbian and transgender persons to law enforcement officers occasionally were met with resistance and hostility.

Other Societal Violence or Discrimination.—The law prohibits discrimination against persons with HIV and AIDS. 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 7. Worker Rights

a. The Right of Association.—The law provides for the right to organize and form unions. On March 1, officials reported that 47,362 collective agreements were signed as a result of a pronoun collective bargaining campaign initiated following a widely publicized 2008 mining accident in Satpayev. The campaign, designed to empower workers, increased the number of agreements by 2.4 percent since 2008. Independent union organizers described this campaign as a significant change in policy. During the year the Government began to encourage the signing of memorandums of understanding (MoUs) in lieu of unionization. By May the Federation of Trade Unions' chairman claimed that more than 8,000 large and medium-size businesses employing approximately one million persons had signed MoUs to guarantee jobs and labor rights. Nevertheless, organizers reported that the Government continued to restrict the right to organize, and most workers were not able to join or form trade unions of their choice.

The Government exercised considerable influence on organized labor and favored state-affiliated unions over independent unions. At least one-third of the workforce was unionized. The largest trade union association, the Federation of Trade Unions, successor to formerly state-sponsored Soviet-era labor organizations, remained affiliated with the Government. The federation united 25 national unions and 13 regional industrial unions. The industrial unions represented workers in a wide range of industries, including oil and gas, construction, textiles, education, and public

health. Each union elects its own leader and has a representative on the General Council, which elects the 14-member Executive Committee. The committee runs the federation's day-to-day operations and deals with issues of social and economic protection, labor protection, organization, and international cooperation.

To obtain legal status, a trade union must apply for registration with the Ministry of Justice. 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. Foreign workers have the right to join unions.

Workers are protected by law against antiunion discrimination, but in practice there were violations of this right. The violations ranged from threats of being fired, which would lead to the loss of social benefits to physical intimidation and assault.

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, such as railway, civil aviation, military, law enforcement, fire services, health, and other services that provide for major life needs 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 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 for firing employees who had attempted to organize strikes.

The Miners' Family Public Organization, an association of miners' widows that has increasingly taken on traditional trade union functions, experienced several incidents of harassment during the year. On June 7, it cancelled a meeting in its Karaganda office to discuss labor issues with workers following a warning several days earlier from the city prosecutor to the organization's leader, Nataliya Tomilova, not to hold the meeting. On September 12, her landlord evicted Tomilova from her apartment, reportedly after local authorities pressured the landlord, and after authorities cut her water, electricity, and phone service. On October 11, the garage of the organization's deputy director exploded and caught fire, destroying a vehicle used by the organization to visit homes of workplace accident victims and to attend court hearings for victims' families. During October and November, local authorities pressured and threatened the landlord of the building in which the organization's offices were located, eventually convincing him to evict the organization. The group ultimately relocated.

On June 15, 300 workers from a CNPC-Aktobemunaigas joint Kazakhstani-Chinese venture went on strike to demand a salary increase as well as equipment and vehicle improvements. The CNPC filed a lawsuit against the strikers and won the case because the court considered the strike illegal. Company management fired three organizers, Karlybay Tolybayev, Kosain Kulmuratov, and Serik Bitikbayev.

On July 1, police detained a trade union leader, Asylkhan Musin, human rights activist M. Bokayev, and five other activists for an illegal strike in which over 200 workers of Dossrmunaigas and EmbasMunaiGas companies, branches of the national KazMunaiGas company, stopped operations in the Atyrau and Mangistau oil production facilities. The court sentenced Musin and Bokayev to seven days of administrative arrest, and all others were released with a reprimand. The company later fired Musin. Musin subsequently filed a lawsuit for reinstatement, which was still pending at year's end.

On August 18, a coalition of NGOs and independent trade unions issued a statement to protest escalating pressure on Kazakhstan's independent labor movement. The statement accused the Government of contributing to the punishment of labor activists. NGOs expressed concern over the growing number of persons fired for labor union activity and over the persistent media campaign to discredit trade union leaders.

In September the Almaty Electric Car Repair Plant fired Yessenbek Ukteshbayev, who organized a June 30-July 2 plant wide strike to demand increased salaries and nationalization of the enterprise.

As of year's end the Government had not released its findings from an investigation into the 2008 attack on Confederation of Free Trade Unions (CFTU) vice president Mukhtar Umbetov. Umbetov, an active participant in many labor disputes, was beaten by two masked assailants after receiving threatening telephone calls.

There were no further developments in the May 2009 public beating of two independent labor union activists by company managers at the oil company UzenMunaiGas in Aktau or the August 2009 shooting and wounding of Zhondeu company labor union leader Yklas Shangereyev by unknown attackers. Representa-

tives of the independent labor union community unanimously believed that the shooting directly resulted from Shangereyev's activism.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of unions to conduct their activities without interference, and unions were free to recruit new members, conduct meetings, and bargain collectively with employers. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. The Government continued its efforts to encourage collective bargaining. Officials report 47,362 collective bargaining agreements. Activists stressed that political pressure was driving the rapid conclusion of agreements.

Union demands unacceptable to management may be presented to a tripartite commission composed of government, employer association, and labor union representatives. The Government was supposed to be the neutral broker on the commissions, but there were cases in which it favored the interests of labor unions or employers. The tripartite commission is responsible for developing and signing annual agreements governing most aspects of labor relations. Through this mechanism, labor unions raised the minimal wage for several industries, including mining and metallurgy, and forced employers to pay back salaries in a number of industrial areas during the year.

The labor law provides for an individual contract between an employer and each employee that sets the employee's wage and outlines the rights and responsibilities of the employee and the employer. Employers occasionally used individual contracts to weaken collective bargaining power.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, except at the sentence of the court or in conditions of a state of emergency or martial law; however, there were reports that such practices occurred. 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. The majority of migrant workers came from Kyrgyzstan, Tajikistan, and Uzbekistan and were primarily employed in agriculture and construction. The Ministry of Labor and Social Protection was responsible for dealing with issues of migrant workers.

For further information, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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; children who are between 14 to 16 years of age can perform, with parental permission, light work that does not interfere with their health or education. The law also restricts the length of the workday for employees younger than 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 them 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 continued to address child labor problems. Nevertheless, NGOs contended that the Government's efforts were insufficient to address fully the use of child labor.

The Government did not maintain statistics on child labor. NGOs and activists reported that child labor occurred in agriculture, especially during harvest season. Children were involved in growing cotton and tobacco. Past NGO studies have found that more than 70 percent of the children employed in this work were from migrant families, primarily Uzbek and Kyrgyz. Labor conditions frequently presented a physical health risk, and some children suffered from inadequate rest and nutrition. Many child workers lacked 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. Nevertheless, there were reports of children begging, unloading freight, delivering goods in markets, washing cars, and working at gas stations.

The Ministry of Labor and Social Protection is responsible for enforcement of child labor laws and for administrative offenses punishable by fines. The Ministry of Internal Affairs is responsible for investigating criminal offenses. During the year, the Government reported no crimes related to illegal child labor. The Government cooperated with trade unions, employers, and NGOs to raise awareness and promote interagency cooperation in eliminating child labor.

For further information, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The national monthly minimum wage of 14,952 tenge (approximately \$102) did not provide a decent standard of living for a worker and family. It was common for working-class families to have more than one wage earner, and most workers earned above minimum wage in urban areas.

The law stipulates that 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 limits overtime to two hours in a day or one hour a day for heavy manual labor, and requires overtime to be paid at least a 50-percent premium. 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 hours restrictions, and overtime. Ministry inspectors conducted random inspections of employers. 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 that management ignored regulations concerning occupational health and safety. In the first 11 months of the year, the Ministry of Labor and Social Protection reported 16,883 inspections and 68,283 violations of occupational health and safety standards and rules. In addition to 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 or dangerous work conditions or 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 1,918 workplace injuries, compared with 1,811 during the first 11 months of 2009. The Government reported 319 workplace deaths during the first 11 months of the year, compared with 298 deaths reported in the first 11 months of 2009. According to officials at the Federation of Trade Unions, many of the deaths were due to antiquated equipment, Soviet-era infrastructure, and disregard for safety regulations in the mining and metallurgy sectors.

KYRGYZ REPUBLIC

The Kyrgyz Republic's new constitution defines the country as a sovereign, democratic, secular, unitary, and social state governed by the rule of law. The country, with a population of approximately 5.4 million, had a violent change of government on April 7 and then approved a new constitution and a temporary president in a June 27 national referendum. Parliamentary elections took place on October 10, resulting in representatives from five political parties represented in the new parliament. According to independent election observers, the elections were generally free and fair. In mid-June, widespread violence occurred in the southern oblasts (provinces) of Osh and Jalalabad between ethnic Kyrgyz and ethnic Uzbeks. There were instances in which elements of the security forces acted independently of civilian control.

The following human rights problems were reported: arbitrary killings, 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; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of indiscriminate killings during the year in connection with the overthrow of the Government in April and during the June interethnic violence in Osh and Jalalabad oblasts (see section 1.g.).

On April 17, Omurbek Osmonov was found dead with multiple knife wounds in a village outside of Bishkek. In March 2009 Osmonov was implicated in the death of former presidential chief of staff Medet Sadyrkulov and two other men when he fled the scene after he crashed into their vehicle. Opposition activists claimed Osmonov was framed by officials to cover Sadyrkulov's assassination. On April 29, the Prosecutor General's Office announced that it would reopen the investigation into the deaths of Sadyrkulov and the two men; however, fires earlier in the month destroyed numerous files relevant to the case.

On July 11, Human Rights Watch (HRW) reported Khairullo Amanbaev died in the hospital after reportedly falling out of the Osh City Police Department's second-floor window. Authorities detained him on June 30 in connection with the interethnic violence and severely beat him. Family members suspected he was hung by his feet and reported there were bruises on his body likely caused by a rifle butt.

On September 11, the Supreme Court heard an appeal by Abdufarid Rasulov and upheld his 20-year prison sentence for killing journalist Alisher Saipov, who wrote articles critical of the Uzbek government in 2007. Rasulov was detained in February 2009 after a police officer found on him a pistol that was used in the murder. The victim's father, Avas Saipov, claimed that authorities improperly targeted Rasulov and that he was innocent.

On February 24, a court found two police officers guilty of beating to death Almaz Tashiev, a freelance journalist, in July 2009 and issued both a two-year suspension. Tashiev's attorney was not allowed to attend the trial.

On October 6, Kazakhstan's Interior Ministry announced the arrest of two persons in connection with Gennady Pavlyuk's death in December 2009. Pavlyuk, a prominent opposition journalist and government critic, died in the hospital after allegedly being thrown from a building in Almaty.

b. Disappearance.—HRW documented several instances of hostage-taking during and after the interethnic violence in June in Osh and Jalalabad oblasts. Reports of ethnic Uzbeks arrested and held by law enforcement agencies without any opportunity to contact their families or attorneys surfaced following the violence (see section 1.g.).

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, police and State Committee on National Security (GKNB) forces employed them. At times police beat detainees and prisoners to extract confessions.

According to the NGO Golos Svobody, there were 97 complaints alleging use of torture by law enforcement or GKNB officers filed with the Prosecutor General's Office during the year. In 71 of those cases, the Prosecutor General's Office did not open a criminal case.

Following the interethnic violence in June in Osh and Jalalabad oblasts, there were multiple reports of detainees being tortured while in custody of police or other security agencies (see section 1.g.).

On May 18, the provisional government issued a decree of amnesty for the 32 persons arrested and convicted in connection with the 2008 Nookat protest (see section 1.e.).

Starting July 2, police interrogated "Akram A." (a false name used by the victim to protect his identity) for three days about the killing of an officer, according to HRW. Police suffocated him by putting a gas mask over his head and beat him multiple times. Due to fear for his own safety, Akram did not seek justice.

On July 8, HRW reported 15 police officers detained "Mokhamadzhon M." (a cover name used by him to protect his identity) and beat him with a rubber baton while interrogating him about a local killing. Police released Mokhamadzhon later that day after a relative, an official in the local administration, intervened.

A commission formed by the Ombudsman's Office released a report in February 2009 that documented incidents of Ministry of Internal Affairs and GKNB officers beating detainees, removing their fingernails, burning their beards, and shaving female detainees' heads. In January 2009 the Russian human rights organization Memorial published a report documenting similar abuses. At year's end the Government had taken no action to investigate the allegations further or reprimand the officers involved.

The NGO Committee of Soldiers' Mothers reported one registered case of military hazing during the year, which involved physical abuse by three noncommissioned officers. Military authorities provided medical treatment to the victim. One of the perpetrators was sentenced to two years in prison, and the others received suspended sentences of one year.

Prison and Detention Center Conditions.—Prison conditions were poor and included food and medicine shortages, substandard health care, and lack of heat and other necessities. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons. Nevertheless, morbidity and mortality rates continued to decline, particularly those resulting from tuberculosis (TB). Approximately 515 prisoners had TB, of whom 164 had multi-drug-resistant strains. In the first 11 months of the year, 84 prisoners died, 29 of them from TB.

The prison population of 10,163 (including approximately 460 women) was substantially less than the Government's estimate of its total prison capacity of 14,000. However, some international organizations believed the actual capacity was significantly less and that prison overcrowding was a significant problem. Authorities generally held juveniles separately from adults but occasionally held them with adults in overcrowded temporary detention centers. At times convicted prisoners remained in pretrial detention centers while their cases were under appeal.

Prisoners had reasonable access to visitors and were permitted religious observance. Prisoners have the right to file complaints with prison officials or with higher authorities. However, the NGO Citizens Against Corruption reported that complaints were not well documented and were not always passed along by prison staff.

The Government continued to permit international and domestic human rights observers, including from the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and the NGO Penal Reform International, to visit detainees in Justice Ministry prisons and in temporary detention centers. The International Committee of the Red Cross (ICRC) was able to conduct visits in accordance with its standard modalities.

Following up on its 2008 reports of poor living conditions, corruption of prison personnel, drug activity, and excessive use of force by both prison and investigative officials in several prisons, the NGO Citizens Against Corruption worked with the Ministry of Justice's Public Council to provide food and toiletries to prisoners during the year.

The ombudsman for human rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, and proper release at the end of sentences.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, police arrested persons based on the fact that they could not provide proper identification documents. At times police used false charges to arrest persons and solicited bribes in exchange for their release. The NGO Golos Svobody reported it was aware of approximately 300 cases of arbitrary arrest that had taken place during the year.

Role of the Police and Security Apparatus.—Law enforcement responsibilities are divided between the Ministry of Internal Affairs for general crime, the GKNB for state-level crime, and the Prosecutor's Office for both types of crimes. In 2009 President Bakiyev signed into law measures that empowered the military to intervene in domestic political conflicts and gave the Presidential Security Service law enforcement powers, including authorization to conduct interrogations, intercept communications, and carry out surveillance and other covert activity.

Police impunity remained a problem; however, Ministry of Internal Affairs officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. Unlike in previous years, the ministry's internal investigations unit did not provide statistics on citizen complaints, subsequent investigations, or officers dismissed after criminal convictions during the year, nor did the Ombudsman's Office track the number of Internal Affairs, GKNB, and Financial Police employees who were subjected to criminal investigation during the year.

Arrest Procedures and Treatment While In Detention.—In 2008 parliament passed amendments to the criminal procedure code that returned some judicial powers to prosecutors, primarily the authority to issue search and seizure warrants. Prosecutors have the burden of proof in persuading the judge that a defendant should be detained pending trial. In 2008 parliament approved amendments to the code that reduced the period that authorities can hold a detainee before charging him from 72 to 48 hours. The limit was generally enforced in practice. The law requires investigators to notify a detainee's family within 12 hours of detention; however, often this requirement was not observed in practice. The courts have discretion to hold

suspects in pretrial detention up to one year, after which the courts are legally required to release the suspect.

All persons arrested or charged with crimes have the right to defense counsel at public expense. By law the accused has the right to consult with defense counsel immediately upon arrest, but in practice the first meeting often did not happen until trial. Human rights groups noted that authorities usually denied attorneys to arrested minors, often holding them without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices. Authorities often intimidated minors into signing confessions.

The law authorizes house arrest for certain categories of suspects. There were also 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.

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. Low salaries for judges 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 a codefendant 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, which was dissolved by the June 27 referendum, was limited to constitutional questions and could not intervene with other courts except on the issue of constitutionality. Traditional elders' courts handle property, family law matters, and low-level crime. Elders' courts are under the supervision of the Prosecutor's Office but do not receive close oversight because of their location in remote regions. Their decisions can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

Ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz in June received trials that fell significantly short of requirements under local law. Reported problems included pressure on defendants to confess, including torture; no access to an attorney; threats and violence against defendants and defense attorneys, including within the courtroom; intimidation of trial judges by friends and family members of victims; and convictions in the absence of condemning evidence or in spite of exculpatory evidence.

On September 15, a Jalalabad court sentenced human rights activist Azimjon Askarov to life imprisonment, following his arrest on June 13 for the alleged killing of a police officer and inciting ethnic hatred. Four other codefendants received life sentences, two received 20-year sentences, and one received a nine-year sentence. On November 10, an appeals court upheld the sentences. Human rights organizations reported that Askarov was tortured while in custody and that trial sessions were marked by threats and abuse against defendants and assaults against their attorneys. At year's end authorities had moved Askarov to a prison hospital in Bishkek, and the Supreme Court had agreed to hear an appeal of the case.

On October 29, a court sentenced five ethnic Uzbeks to life in prison and four others to various terms for killing a local police chief, Adylbek Sultanov, and his driver, Uran Shamurzaev, during the ethnic clashes in June. The trial process had significant shortcomings, including threats and abuse in the courtroom against defendants and their attorneys. The defendants claimed that they had confessed under torture and appealed their sentences. On December 27, the judge upheld the original sentences and increased the sentence of one defendant, Abdulaziz Azimov, from eight years to life imprisonment.

On August 10, authorities charged Ulugbek Abdusalamov, editor of the Uzbek-language newspaper *Didor*, with "organizing and participating in mass disorder," "inciting ethnic hatred," and "separatist activities aimed at destroying the territorial integrity of the state." According to human rights organizations, Abdusalamov had heart problems that may have resulted from beatings in prison and caused his trial to be postponed. At year's end Abdusalamov's attorney said that his client and his family were missing and that no one knew their whereabouts.

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. If a court renders a case indeterminable, it returns the case to the investigative bodies for further investigation, and suspects may remain under detention. As of year's end, the Government had not implemented a 2007 law allowing jury trials in the cities of Bishkek and Osh. The law provides for transparency of

court proceedings. Trials are generally open to the public, unless state secrets or the privacy of defendants is involved; however, the verdict is publicly announced, even in closed proceedings.

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 that provided 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 during a trial. Official permission for such visits is required and was usually granted. Indigent defendants were provided attorneys at public expense, and defendants could refuse attorney support and defend themselves. The law permits defendants and counsel the right to access all evidence the prosecutor gathers, attend all proceedings, question witnesses, and present evidence; however, these rights often were not respected in practice. Witnesses generally have to present their testimony in court, but under certain circumstances testimony can be presented at trial via audio or video recording. Defendants and prosecutors have the right to appeal the court's decision.

On May 18, the provisional government issued a decree of amnesty for the 32 prisoners convicted in 2008 in connection with a protest in Nookat, which followed a decision by local authorities to ban a public gathering for the Muslim holiday Orozo Ait (Eid al-Fitr).

Political Prisoners and Detainees.—On January 26, a court found political opposition leader Ishenbai Kadyrbekov, a former State Agency director, guilty of abuse of power and gave him a six-year suspended sentence. Police detained him for several months before releasing him in November 2009.

On March 23, a court found political opposition leader Alikbek Jekshenkulov, a former foreign minister, guilty of misusing state funds and gave him a five-year suspended sentence.

On April 7, a crowd of demonstrators freed Ismail Isakov from prison, and subsequently a military court retroactively acquitted him of charges on April 15. A court had sentenced him to eight years in prison on January 11 for illegally transferring an apartment to his son while he was serving as defense minister. Opposition leaders and human rights activists asserted that these charges were baseless.

On April 9, the provisional government released from jail Green Party leader Erkin Bulekbayev, as well as Sapar Argymbayev and Uran Ryskulov, and dropped charges that they had instigated ethnic discord in the village of Petrovka, outside Bishkek, in April 2009.

On May 14, the Supreme Court found not guilty 19 individuals who were sentenced in December 2009 for protesting in Balykchy against the flawed July 2009 presidential election. Human rights groups claimed that the detention and particularly severe charges facing the Balykchy protesters were politically motivated (see section 2.b.).

On October 25, authorities charged Iskhak Masaliev, a former member of parliament and leader of the country's communist party, and Usen Sydykov, a former chief of staff for former president Bakiyev, with attempting to overthrow the Government. Officials detained both on May 14, after the public release of a recording of a telephone conversation in which the two allegedly discussed plans for armed takeovers of government buildings.

On November 9, a court sentenced Rustam Jeenbekov and Cholpon Aljanov to 20 and 25 years' imprisonment, respectively, for killing two Uzbeks on June 13. Jeenbekov and Aljanov's lawyer, Almaz Niyazov, stated that authorities pressured both men to confess.

On November 17, the trial of 28 persons accused of complicity in the shooting deaths of protestors on April 7 opened in a Bishkek sports palace. Several persons were tried in absentia, including former president Bakiyev, his brother Janysh Bakiyev, the former head of the Presidential Guard Service, and former prime minister Daniyar Usenov. Other defendants included Oksana Malevanaya, the former head of the Presidential Secretariat, and several special GKNB operations officers. Human rights activists claimed that the charges against the defendants were arbitrary and that they were not allowed to see all of the evidence against them, as is required by law. During the first session of the trial, members of the audience surged onto the stage, threatening defendants and their attorneys, who subsequently refused to participate in the trial unless the Government ensured their security. At year's end, following the explosion of a bomb outside the trial site, the trial was on hold while authorities looked for a more secure venue.

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 influence from the outside, including by 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, including in cases relating to national security.

In July 2009 President Bakiyev signed into law an amendment to the Law on Defense and Armed Forces authorizing the military to confiscate private property for the purpose of state security. There were no reports of such confiscations during the year.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Killings.—On April 7, government security forces on the roof of the presidential administration building fired repeatedly into a crowd of armed demonstrators. By nightfall the demonstrators forced government officials to flee the capital. As a result of the clashes between government forces and demonstrators, more than 80 persons were killed and more than 1,500 injured.

Between June 10 and 14, widespread ethnic violence between ethnic Kyrgyz and ethnic Uzbeks in Osh and Jalalabad oblasts took place, with reports of deaths ranging from approximately 400 to 2,000 individuals. According to data released by an investigating commission, out of 426 confirmed deaths, 276 were ethnic Uzbek and 105 were ethnic Kyrgyz. At year's end there had been no public finding regarding the causes of violence, nor any systematic investigation to establish guilt for the violence, but both a national and an international investigation were scheduled to deliver their findings in early 2011. Security forces, mainly composed of ethnic Kyrgyz, did not prevent the violence. Multiple reports surfaced that some units may have surrendered their vehicles, weapons, and uniforms to groups attacking ethnic Uzbek neighborhoods.

Physical Abuse, Punishment, and Torture.—Authorities claimed that they investigated the June violence without regard to ethnicity. However, human rights groups reported that the vast majority of those arrested in connection with the violence, on charges ranging from destruction of property to killing, were ethnic Uzbeks. Many of those arrested were tortured. According to a report by HRW, prolonged and extensive beatings by fist, club, or rifle butt were the primary form of abuse used. Victims also reported being suffocated with hoods or gas masks and burned with cigarette butts. Government officials in those oblasts denied that such abuses took place.

Families of arrestees frequently had to pay law enforcement officers to obtain the arrestee's release or to stop the arrestee from being beaten.

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 following the April change of government, the Government took steps toward ensuring that those rights were respected in practice. However, there were some continued reports of intimidation of journalists and self-censorship, particularly in the south. All independent Uzbek-language media in the south stopped operating after the June violence, and at year's end had not resumed. In some of those cases, there were reports that the media outlets stopped operating because of local government pressure. On July 9, security agents raided Osh TV and briefly detained its director, Khalil Khudoyberdyev, who later sold the company to an ethnic Kyrgyz and fled the country.

A 2008 law, yet to be fully implemented, places significant restrictions on television and radio broadcast companies and establishes new Kyrgyz-language and local content requirements. Human rights activists asserted that the law is unconstitutional because it conflicts with constitutional rights to freedom of speech and access to information. After the change of government in April, Kyrgyz National Television and Radio Broadcasting (NTRK) made significant steps towards becoming a public television station, including the establishment of a board of directors to oversee operations.

During the April 6-8 violence in Bishkek, the Government temporarily closed access to independent Internet news sites and some print media.

On June 11, the GKNB seized 158 copies of a book published by a local Uighur activist Tursun Islamov entitled *China Threatens the World*. On September 24, the GKNB shut down the public showing of a film about Uighur activist Rebiya Kadeer.

Individuals could criticize the Government publicly or privately without reprisal. 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 was 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. Government newspaper, television, and radio outlets continued to receive state subsidies.

The Ministry of Justice requires all media to register and receive ministry approval in order to operate. The registration process nominally takes one month but in practice often took much longer. It included checks on the background of each media outlet's owner and its source of financing, including financing by international donor organizations.

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-language television stations dominated coverage and local ratings. A number of Russia-based media outlets operated freely in the country; the Government treated them as domestic media. Although several broadcast media companies applied for new licenses and frequency assignments, the Government has not approved any requests for new broadcasters since 2006.

There were continued reports of media harassment. Prior to the April change of government, the NGO Committee to Protect Journalists (CPJ), along with other media watchdog organizations and human rights groups, reported several incidents in which unknown attackers harassed journalists associated with opposition news media. The CPJ also reported that two ethnic-Uzbek Radio Free Europe/Radio Liberty (RFE/RL) journalists in Osh received threats that forced them to stop working and leave the region temporarily. They had produced eyewitness reports of the ethnic unrest that differed from the reports produced by most domestic media outlets.

On August 10, authorities charged Ulugbek Abdusalomov, editor of the Uzbek-language newspaper *Didor*, with crimes related to the June unrest (see section 1.e.).

The Government allowed RFE/RL Kyrgyz service, known as Radio Azattyk, to resume broadcasting on NTRK after April 7. In 2008 NTRK ended transmissions of RFE/RL programming allegedly due to its failure to meet financial obligations, although it also criticized RFE/RL programs for favoring the political opposition.

Under the new constitution, libel is no longer a criminal offense; however, at the end of the year, parliament had not passed legislation to change the previous law. Until it does, libel remains a criminal offense punishable by up to three years in prison. There were no reports of officials using libel lawsuits against opposition newspapers to suppress criticism.

After the April change of government, Cholpon Orozobekova, former chief editor of the opposition newspaper *De Fakto*, returned from Switzerland, where she had fled after the Government raided the newspaper's offices and sued it for libel in 2008, forcing it to close.

Internet Freedom.—On April 6, the Bakiyev government blocked Internet and cell phone access due to civil unrest in Talas and Bishkek. After the April 7 change in government, there were no official 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 e-mail, online forums, and blogs. According to 2009 International Telecommunication Union statistics, approximately 40 percent of the country's inhabitants used the Internet.

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.

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 imposed restrictions. A 2008 law prohibits protesters from gathering near government entities, including the 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 an event, thus making any spontaneous demonstrations illegal.

On May 18, a court acquitted 19 persons found guilty of multiple charges after participating in a demonstration in Balakchy against electoral fraud during the July 2009 presidential election.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right. NGOs, labor unions, political parties, and cultural associations must register with the Ministry of Justice. NGOs are re-

quired to have at least three members, and all other organizations at least 10 members. The Ministry of Justice did not refuse to register any domestic NGOs during the year, and following the April 7 change of government, it allowed the Norwegian Helsinki Commission to operate in the country (see section 5). 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 five organizations—Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, and Tablighi Jamaat—that it alleged had ties to international terrorist organizations. Arrests and prosecution of persons accused of possessing and distributing HT literature continued. Although most arrests of alleged HT members in the past occurred in the south and involved ethnic Uzbeks, media reports tracked a continuing increase in detentions of ethnic Kyrgyz for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 International Religious Freedom Report at <http://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 Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations to provide some protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The law requires all persons to possess an official residence registration 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 they have a place to live in the area. Individuals who do not register, or who are registered in a town other than where they live, can be denied access to subsidized health care or schooling.

The law on migration prohibits travel abroad by citizens who have or had access to information classified as state secrets.

The law neither provides for nor prohibits forced exile; there were no reports that the Government employed it.

As in past years, several local citizens sought asylum in foreign countries, claiming they would face repression or legal persecution if they returned to the country.

According to the UNHCR, the June violence in Osh and Jalalabad oblasts displaced approximately 300,000 persons internally, as well as 75,000 persons who temporarily fled to Uzbekistan and later returned. The UNHCR announced on December 10 that all victims of the violence had been provided with temporary shelter. However, the UNHCR cautioned that significant numbers remained displaced and were living with other families or in temporary shelters on the plots of their destroyed homes, or had left the country.

Some journalists were living in self-imposed exile during the year (see section 2.a.).

Protection of Refugees.—The laws provide for the granting of asylum or refugee status, and the Government has established a system for doing so. During the year the Government cooperated with the UNHCR and other organizations to provide some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China or if the Chinese government requested their return. The Government also continued to deny Chechen refugees official refugee status, but it granted them asylum seeker status, which provided some legal protection. There were continued reports of Uzbek refugees hiding in the country due to fear of persecution by the Uzbek government.

According to the State Committee for Migration and Employment (SCME), there were approximately 205 refugees and 130 asylum seekers in the country at year's end. Refugees were primarily from Afghanistan (194), along with several from Syria, Iran, and North Korea. Among the asylum seekers officially registered with the Government were 41 from Afghanistan, 116 from Uzbekistan, 15 from Russia, and 15 from other countries.

Stateless Persons.—A UNHCR-funded survey conducted by local NGOs in late 2008 exposed a problem of statelessness in the country. The report identified nearly 13,000 individuals living in the three southern oblasts who lacked any official docu-

mentation confirming their citizenship. The report listed several categories of stateless persons: Uzbek women who married Kyrgyz citizens but never received Kyrgyz citizenship (many such women allowed their Uzbek passports to expire, and regulations obstructed their efforts to gain Kyrgyz citizenship); individuals who continued to hold outdated Union of Soviet Socialist Republics (USSR) passports because they failed to exchange their passports or never applied for citizenship; children born to one or both parents who are stateless; and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. Stateless persons were denied state social benefits and prevented from working in legitimate jobs. The UNHCR estimated the total number of stateless persons in the country (both *de jure* and *de facto*) at approximately 20,000.

In September 2009 the UNHCR announced a plan of action for dealing with the problem of statelessness, including increasing public awareness and working with the Government to improve the process for applying for citizenship. The UNHCR estimated that as a result of the plan of action, approximately 10,000 persons had been documented as citizens 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, although this right remained restricted in practice until a violent change of government on April 7. A provisional government composed of opposition party leaders took power on April 8 and conducted a constitutional referendum on June 27 and parliamentary elections on October 10.

Under the new constitution, the powers of the president, parliament, and government (headed by a prime minister), are divided. The president, who serves a six-year term, can veto legislation and appoint the heads of national security bodies. Members of parliament are elected to five-year terms on party lists and vote to approve a proposed government. Parliament can also vote to express no confidence in the Government, after which the president may dissolve it. The constitution does not provide any officeholder with immunity from prosecution after the individual leaves office.

Elections and Political Participation.—On June 27, the country held a referendum, asking voters to approve the draft constitution and the law on its enactment, to confirm Roza Otunbayeva as interim president until December 31, 2011, and dismiss the Constitutional Court. With a 69 percent turnout, 91 percent voted “yes” and 8 percent voted “no.” Security conditions prevented international bodies from observing the balloting in all parts of the country, but there were no reports of systematic fraud. International observers criticized the organization of the ballot, noting that it was only possible for voters to make one yes-or-no decision on all three questions.

On October 10, 1.6 million of the three million registered voters cast ballots in parliamentary elections, resulting in five parties receiving seats in parliament out of the 29 parties competing. Local and international observers found that the balloting was generally free and fair. On December 17, three of the five parties represented in parliament formed a coalition government and announced a cabinet.

There were no legal restrictions on the participation of women in politics; however, with the notable exception of President Roza Otunbayeva, traditional attitudes at times hindered women from holding high office or playing active roles in political life. Twenty-eight women representing five political parties occupied seats in parliament as a result of the parliamentary election code mandate that male and female candidates cannot be more than three spaces apart on party lists and that no more than 70 percent of candidates on a party list can be of the same gender.

National minorities, which make up 35 percent of the population, were generally underrepresented in government positions, particularly Russians and Uzbeks, the two largest ethnic minority groups. Fourteen of the 120 parliament members belonged to a national minority. The law requires that at least 15 percent of party lists be made up of minorities.

At the end of the year, there were no women or ethnic minorities represented in cabinet-level government positions.

Section 4. Official Corruption and Government 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.

The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement.

On September 1, President Otunbayeva signed a decree on polygraph testing in the civil service system. The purpose of the decree is to screen for corruption within the civil service, especially with the Financial Police and the State Tax Service.

In June the provisional government eliminated the National Anticorruption Agency. For the rest of the year, the Anticorruption Business Council, which separated from the National Anticorruption Agency in May 2009, performed as a public anticorruption institution. According to the Anticorruption Business Council, during the year more than two-thirds of the complaints they received dealt with the State Border Guard Service and the State Customs Service.

On January 26, a court found former director of the State Agency for Architecture and Construction Ishenbai Kadyrbekov guilty of abuse of power and gave him a six-year suspended sentence. On March 23, a court found former foreign minister Alikbek Jekshenkulov guilty of misusing state funds and gave him a five-year suspended sentence.

In May 2009 the Ministry of Internal Affairs, working with the National Anticorruption Agency and the Prosecutor General's Office, arrested Stalbek Momunaliev, a Leninski District police investigator, in Bishkek. Momunaliev allegedly had demanded a bribe of 8,000 soms (\$170) from a foreign citizen. At year's end no additional information was available regarding the case.

In 2009 officials completed a criminal investigation on the judge of the Moscow District Court of the Chui Oblast and referred the case to the Jaiyl District Court for prosecution. In 2008 GKNB officers detained the judge for accepting a bribe of 98,545 soms (\$2,100). At year's end no additional information was available regarding the case.

The law gives persons the right to request information from the Government, and the Government generally complied with such requests; however, the process is generally slow, rendering the service less useful.

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

The new government lessened restrictions on the activities of domestic and international organizations that report on human rights in the country. However, local law enforcement agencies in the south harassed and threatened human rights activists who reported on abuses committed during and after the June ethnic violence. Although the central government regularly met with local and international organizations to discuss their activities and acknowledge their concerns, it failed to respond to some international organizations' questions, requests, or reports.

On September 28, President Otunbayeva signed Terms of Reference for an International Independent Commission of Inquiry (COI), led by Special Representative for Central Asia of the OSCE Parliamentary Assembly Kimmo Kiljunen, to investigate the cause and circumstances of the June ethnic violence in the south. The Government and the National Commission of Inquiry cooperated with the COI. At year's end the COI had not finished its investigation.

The Government permitted visits by representatives of the UN and other organizations, including the OSCE, ICRC, and International Organization for Migration (IOM). The ban prohibiting the Norwegian Helsinki Committee from entering the country, which had been in place since 2008, was lifted.

A 2008 decree disbanded the State Commission on Human Rights and transferred its authority to the Office of the Ombudsman. The ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has authority to recommend cases to courts for review. The Ombudsman's Office actively advocated for individual rights. The ombudsman told parliament that his office had received 1,862 complaints during the year and had addressed all of them.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

Women.—Rape, including spousal rape, is illegal; however, the Government failed to enforce the law effectively. Activists continued to note a growing number of 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. No statistics relating to the number of cases or convictions during the year were available. Experts noted that defendants often used bribery to curtail rape investigations.

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. According to a poll conducted in 2008-09 by the Association of Crisis Centers, 83 percent of respondents stated there was physical violence against women in the home. The UN Women's Development Fund also stated that from 40 to 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. According to the Ministry of Internal Affairs, police respond to almost 10,000 cases of family conflict annually, and nearly 15 percent of crimes committed during family conflicts result in death or serious injury. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. Furthermore, there were reports of spouses retaliating against women who reported abuse. Penalties for domestic violence ranged from fines to 15 years' imprisonment (if abuse resulted in death).

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. In 2009, according to the Association of Crisis Centers, their 13 member shelters had 6,620 women as clients. Organizations assisting battered women also lobbied to streamline the legal process for obtaining protection orders. The Government provided offices for the Sezim Shelter for victims of domestic abuse and paid its bills.

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. Reportedly, some victims went to the local police and obtained protective orders, but the orders were often poorly enforced.

According to an expert at the local NGO Shans, sexual harassment was widespread, especially in private sector workplaces and among university students, but was rarely reported or prosecuted. The law prohibits physical sexual assault but not verbal sexual harassment. Penalties for sexual assault range from three to eight years' imprisonment.

Citizens—couples and individuals—are free to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. National health regulations require that family planning counseling and services are readily available through a range of health professionals, including not only obstetricians and gynecologists but also family doctors, paramedics, and nurse-midwives. At the level of primary health care, regulations require that women who request contraceptives can receive them regardless of ability to pay. The country's Essential Drug List (a list of drugs and other medical items that all government medical clinics should have in supply and available to patients) also includes different types of contraceptives. National health protocols require that women be offered postpartum care and counseling on methods and services related to family planning. The Government offers special programs to meet the needs of vulnerable target groups, such as adolescents, internally displaced persons, new urban migrants, persons in prostitution, and the very poor. No information was available relating to gender differences in diagnosis or access to treatment for sexually transmitted infections, including HIV.

According to statistics provided by the Population Reference Bureau, access to contraception and maternal health care was widely available, and virtually all births in urban areas, and 96 percent of births in rural areas, were attended by skilled personnel. According to UN estimates, the maternal mortality ratio in the country was 81 deaths per 100,000 live births in 2008.

In 2008 President Bakiyev 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. According to an expert from the NGO Women's Educational Coalition for Equal Rights, Development, and Peace, the property rights of women from Muslim families were not protected, and those women were subject to discrimination when applying for jobs or entering educational institutions. The National Council on the Issues of Family, Women, and Gender Development, which reports to the president, is responsible for women's issues.

Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group particularly vulnerable to deteriorating economic conditions. In the countryside traditional attitudes toward women limited 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 than men to determine independently the disposition of their earnings. According to the UN Development Fund for Women and domestic NGOs, women did not face discrimination in access to credit or owning businesses.

The annual government-sponsored media campaign to combat violence against women took place during the year. According to NGOs the campaign helped to coordinate the efforts of groups combating violence against women and give them a greater voice.

Children.—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; however, some children were stateless (see section 2.d.).

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 until age 17. However, financial constraints prevented the Government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education, for certain children, such as refugees, migrants, and noncitizens. The law carries penalties for 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. The Government continued to fund two programs that provide school supplies and textbooks to low-income children and children with mental or physical disabilities. Legally, all textbooks should be free of charge, but the Government was unable to provide them to all students.

The Government provided health care for children; however, refugee, migrant, noncitizen, and internally displaced children had problems accessing health care due to the system of residence registration.

Child abuse—including beatings, child labor, and commercial sexual exploitation of boys and girls—continued to be a problem. In addition gang-related child-on-child violence in schools was a growing trend.

Although illegal, the practice of bride kidnapping continued, and many underage abductions during the year were likely not reported. Children who are 16 and 17 may legally marry with the consent of local authorities, but marriage before age 16 is prohibited under all circumstances. The Government did not have a program to address the problem of child marriage. Instead, local authorities handled reports of its occurrence on a case-by-case basis. According to a report by the UN Committee on Children, between 2003 and 2009 the Prosecutor General's Office initiated 27 cases against underage bride kidnapping and forced marriage.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, in foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and either sent them home (if an address was known) or to a rehabilitation center or orphanage. The Rehabilitation Center for Street Children in Bishkek, maintained by the Ministry of Internal Affairs, continued to lack sufficient food, clothes, and medicine and remained in poor condition. In 2007 it provided rehabilitation assistance to approximately 400 children and sheltered 70, according to the UN Children's Fund (UNICEF). In 2008 the IOM, with foreign government funding and SCME assistance, renovated the Rehabilitation Center for Children in Osh, staffed it with personnel from an IOM-trained NGO, Ulybka, and stocked it with food and supplies. According to Ulybka employees, in 2009, 698 children received shelter, rehabilitation, and psychological counseling; 55 of the children were found to have been victims of child labor or sexual exploitation.

State orphanages and foster homes lacked 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 data provided by the Presidential Administration, at the end of 2008 there were 5,390 children housed in the 39 state shelters, of whom 20 percent were orphans.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—On April 8, immediately following the April 7 change of government, a banner hung in Bishkek's main square which wrote "Dirty Jews and such like Maxim have no place in Kyrgyzstan." Maxim Bakiyev, former president Bakiyev's son, had been criticized by some media outlets for having Jewish advisors.

On April 9, an unknown person set off three gasoline bombs on the grounds of the Bishkek Synagogue, and on September 9, an unknown person threw an apparently homemade bomb packed with nails and screws into the courtyard of the same synagogue. No one was injured in either incident. At year's end authorities were investigating, but no suspects had been identified in either case.

Approximately 1,500 Jews live in the country.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and intellectual disabilities, but in practice such persons faced discrimination in employment, education, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities and requires access to public transportation and parking, and it authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home; however, the Government generally did not ensure that these provisions of the law were implemented. 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. Parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The Government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. In 2008 a parliamentary commission reported violations of patients' rights in a number of mental hospitals, mainly due to lack of funding.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed 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 depriving young patients of sufficient nourishment and physically abusing them.

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 experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice of institutionalizing individuals against their will continued.

National/Racial/Ethnic Minorities.—Minorities alleged discrimination in hiring, promotion, and housing, but no official reports were registered with local authorities.

On December 13, a court found five persons guilty when a mob attacked a settlement of ethnic Meskhetian Turks on April 19 in the village of Maevka, outside of Bishkek. The court sentenced four persons to probation and one person to four years and four months' imprisonment. Three ethnic Turks were killed, 40 persons injured, and four houses and seven cars set on fire. The ethnic Turks report continuing harassment, threats, and pressure to sell their property and leave the village.

There were no reported incidents between ethnic Kurds and other groups during the year. In April 2009 an estimated 300 ethnic Kyrgyz and Russian residents of Petrovka village in Chui Oblast damaged Kurdish homes and vehicles and demanded that Kurdish residents leave the village. The riot followed a report that a Kurdish man had raped a four-year-old Russian girl but had bribed officials not to arrest him. Riot police ended the violence and detained 80 persons. Authorities released all but three detainees who were prominent opposition activists (see section 3). In August 2009 the court convicted the Kurdish man of rape and sentenced him to 20 years in prison.

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. Non-Kyrgyz-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that unfair language examinations disqualified some candidates for office. A government initiative to in-

crease official use of Kyrgyz further raised concerns among non-Kyrgyz ethnic groups about possible discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There is no law against homosexual practice; however, according to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the Government failed to protect their rights. Persons whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages for lesbian and bisexual women also occurred.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT individuals.

Other Societal Violence or Discrimination.—In October 2009, during an interparliamentary conference in Bishkek, local human rights organizations and government officials formally recognized that persons with HIV/AIDS in the country faced societal discrimination.

Section 7. Worker Rights

a. The Right of Association.—The law permits citizens to form and join trade unions. The Federation of Trade Unions (FTU), with an unconfirmed membership of 200,000 workers, or 9 percent of the workforce, remained the only umbrella trade union in the country. 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 claimed membership of approximately 60,000.

There were no reported cases of government interference in unions, however, union leaders generally cooperated with the Government, and international observers judged that unions represented the interests of their members poorly.

The law grants the right to strike, but the conditions required to receive formal approval made the procedure difficult and complicated. The law does not prohibit retaliation against strikers. The law on government service prohibits government employees from striking, but the prohibition does not apply to teachers, medical professionals, or members of the armed forces.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and there were no reports of external interference in union affairs during the year. However, according to labor experts, many unions still operated as quasi-official institutions and took state interests into account, rather than representing exclusively the interests of workers.

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 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, especially involving foreign laborers in agriculture. Unlike in previous years, there were no reports by the NGO Mental Health and Society during the year that psychiatric hospital patients were forced to work or provide domestic service for doctors and local farmers.

For more information on forced labor, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 work considered by the Government to be "light," such as selling newspapers. In addition, children as young as 14 years old may work with the permission of a parent or guardian. The law prohibits the employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 years old may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

A UNICEF report covering the period 2003 through 2009 cited NGO reports of child labor used in coal mining in the village of Sulukta and in sifting uranium tailings in the village of Orlovka.

According to a speech by the deputy minister of labor, employment and migration in June, 670,000 children between the ages of five and 17 were working, primarily in agriculture on tobacco, rice, and cotton plantations, but also in car washes, trading, and other activities.

Internal trafficking of children for the purposes of commercial sexual exploitation and forced labor remained a problem. A 2008 study funded by the International Labor Organization found an increase in the employment of trafficked children to sell and distribute illicit drugs.

For more information on trafficking, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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. The Prosecutor General's Office identified 184 cases of illegal use of child labor in the first 10 months of 2009. The office dealt with most cases administratively but also opened two criminal cases. Since many children worked for their families or were self-employed, it was difficult for the Government to determine whether work complied with the labor code. Government enforcement efforts also suffered from a lack of resources. Although employers found 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.

e. Acceptable Conditions of Work.—There was no minimum wage. The Government used a nominal national minimum monthly wage of 340 soms (\$7.20) for administrative purposes, such as determining fines imposed by the courts; this amount did not provide a decent standard of living for a worker and family. Employers generally paid somewhat higher wages.

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 or 20 hours per week and must be compensated with compensatory leave or with 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 and 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 problems, but its activities were limited, and business compliance was uneven. The FTU and other trade unions are empowered to enforce all labor laws. Workers in all industries have the right to remove themselves from dangerous workplaces without jeopardizing their employment, and workers sometimes exercised this right in practice.

Unregistered foreign workers in the country could not exercise the same rights as registered workers.

Government licensing rules place strict requirements on companies recruiting Kyrgyz citizens to work abroad, and companies must be licensed by the Ministry of Labor, Employment, and Migration before they can recruit. The Government regularly published a 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. Recruiters are also required to provide workers with their employment contract prior to their departure. The Government also took 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. The Ministry of Labor had representatives in several Russian cities to assist Kyrgyz labor migrants who sometimes encountered discrimination, poor working conditions, or violence.

The Ministry of Labor, with IOM support, operated a hotline to provide information to potential migrants and to help victims of labor trafficking. According to the ministry, in 2009 and 2010 more than 3,000 persons used the hotline. On April 1, the ministry and IOM began a campaign to raise awareness of the hotline and other information resources for potential labor migrants.

MALDIVES

The Republic of Maldives is a multiparty constitutional democracy with a population of approximately 395,000. In 2008 parliament ratified a new constitution that provided for the first multiparty presidential elections. In October 2008 Mohamed Nasheed became the country's first directly elected president in relatively free and fair elections. The constitution establishes a bill of rights and mandates a strict separation of powers among all the branches of government. Since the first multiparty parliamentary elections in May 2009, the parties in parliament have had difficulty working together, although the parliament functioned. Security forces reported to civilian authorities.

Human rights problems included allegations of arbitrary arrest, unauthorized recording of telephone conversations, harassment of journalists, restrictions on religious rights, unequal treatment of women, and violations 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On January 27, Mohamed Nooz died while in police custody. There were media reports of an undertaker who said he witnessed injuries and scars on Nooz's body. The Police Integrity Commission (PIC) evaluated the case in which one undertaker claimed a small white mark on Nooz's back was a sign of injury, while two undertakers stated that there were no signs of injury on Nooz's body, and ruled the death was due to a heart attack resulting from drug withdrawal. The PIC did not file a case with the prosecutor general and the case was closed.

In August the PIC found the Maldives Police Service was responsible for the death of Ibrahim Afzal on June 4, while he was in custody, after he self-immolated in the Gahdhoo police station. However, the PIC did not file a case with the prosecutor general for police negligence due to a lack of evidence, and at year's end, the case was closed.

On February 6, the Maldives Democracy Network (MDN) reported that Hassan Ahmed, convicted of drug charges, died in Maafushi Prison. Several inmates alleged that Ahmed complained of chest pain but doctors failed to diagnose him. The Department of Penitentiary and Rehabilitation Services (DPRS) denied the charge. There have been no further developments in this case at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, although there were reports of mistreatment of persons by security forces.

According to the PIC, records show that between July 15 and 20, police forcibly detained 21 juvenile detainees. Some of those detained were as young as 14 years of age. While in detention, police shaved their heads and confiscated their personal items. The Maldives National Defense Force detained the men as part of continued joint operations with Maldives police to curb gang violence, and 10 of the detainees were formally arrested. PIC sent the case to the prosecutor general in November, asking the prosecutor general to press criminal charges against Maldives Police Service (MPS) for causing injuries to detainees. At year's end, the prosecutor general was evaluating the case.

On October 29, police reportedly assaulted a group of journalists reporting on a protest organized by the opposition Dhivehi Rayyithunge Party (DRP) in Male. According to the police, the journalists were "moved away by force" because some journalists refused to stay in the security zone and tried to break through police lines. No journalists were jailed.

The law permits flogging as a form of punishment. During the year there were no public reports of flogging. According to sources, the practice continued and targeted women accused of adultery. In July 2009 local and international media reported authorities sentenced an estimated 180 persons to public flogging for engaging in extramarital affairs. Abdulla Mohamed, head of the country's Criminal Court, told the local media then that flogging was meant as a deterrent and not designed to cause injury, as regulations prohibit those carrying out the sentences from raising their arms above their shoulders.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Officials did not hold pretrial detainees separately from convicted prisoners. The DPRS oversees the operation of three prison facilities: Maafushi Pris-

on, Asseryi Prison, and Male Prison. Male Prison is located in the capital city, and the other prisons are located on separate islands within a one-hour boat ride from the capital city. DPRS incarcerates only convicted prisoners. Pretrial detainees are held in separate jails under jurisdiction of the MPS. Women are held separately from men in the Maafushi prison. Juveniles awaiting sentencing are held in a juvenile correctional facility on Feydhooftinolu Island run by police under the Ministry of Home Affairs' jurisdiction. Most juveniles convicted are held under house arrest because there are no juvenile detention centers in the country.

The DRPS prison system has an estimated capacity of 765 prisoners, and the total prison population is 830. Of this population, 790 are men and 40 are women. Drug-related offenses account for 80 percent of the DPRS prisoners, although many of those offenses are simple possession (three grams or less) or drug-use sentences.

In late February, a temporary jail, established in 2009 on Addu atoll Gan following the October 2009 prison riots at Maafushi jail, closed. A report on the temporary jail published by the Human Rights Commission of Maldives (HRCM) reported that prisoners had been locked in metal cages, some of which were not accessible to toilet facilities.

On April 20, a riot occurred at Maafushi prison and 15 inmates were injured, none seriously. In a press release, the HRCM reported that DRPS had lost control of Maafushi Prison, and that the lack of proper prisoner control supplies left prison officials vulnerable.

In July, according to the MDN, 236 inmates at Maafushi Prison sent a petition to President Nasheed complaining that the conditions in the prison had deteriorated. Inmates claimed that while the capacity for each unit was 35 persons, there were 90 to 100 inmates in each unit. Inmates alleged that they were not given opportunities to conduct Islamic prayers or Friday prayers; there was an increase in hygiene-related issues; there was a shortage of doctors working in the prison system to attend to drug users suffering from withdrawal and to examine patients before prescribing medication; pillows, mattresses, and bed-sheets were not provided; and light bulbs, fans, and other electrical equipment were restricted, leaving inmates in complete darkness at night. The DRPS took steps to correct the situation, and in September a foreign embassy-sponsored humanitarian team conducted an assessment of DPRS and associated prison facilities. The assessment team reported they were granted unlimited access at all of the facilities, and all of their questions were answered in a candid, forthright manner. Prisoners did not hesitate to speak to the assessors in the presence of DPRS staff, even when they criticized various aspects of their incarceration.

The team concluded that facilities were clean, sanitary, and orderly. Prisoners appeared to receive ample food and water, sufficient recreation opportunities, visitation rights, religious observance, phone calls, mail access, and legal representation. Education and vocational training was available. The team noted a lack of bed space capacity and overcrowding, especially at the Male Prison, where there were as many as 10 prisoners in cells designed for four. Many of the prisoners in a cell slept on the floor. The team did not observe signs of systematic prisoner abuse or mistreatment.

The foreign assessment team identified shortcomings as the lack of a formal prisoner classification system; lack of a formal and effective internal affairs process; management challenges due to civil service regulations that did not support the discipline, integrity, and professionalism of the corrections force; and inconsistently applied correctional practices and procedures, such as poor key control. The team reported also that prison officers lacked essential communication equipment, such as radios, which inhibited their ability to respond quickly and effectively to disturbances.

The Government generally permitted regular prison visits by the HRCM, the MDN, and the International Committee of the Red Cross (ICRC). In its 2009 annual report, the ICRC stated that it visited detainees regularly and shared its findings and recommendations confidentially with authorities.

The National Preventive Mechanism (NPM) established by the HRCM monitors any death or other allegations related to prisons or prison authorities. The HRCM maintains a Web site in which reports on occasional jail visits, other human rights investigations, and annual reports are available.

During the year the NPM visited five police custodial centers: Maafushi Prison; the temporary jail that was opened in Gan that has now been closed; a drug rehabilitation center in Himmafushi; a drug rehabilitation center in Villingili; and two centers for persons with disabilities.

The HRCM operates a complaints department to address prisoner complaints about conditions, and until this year, they released their findings in an annual report. In addition the NPM makes a visit plan a year ahead, conducts visits through-

out the year according to this plan, and publishes an annual report of its findings. However, during the year the NPM decided not to make full detention reports available to the public. It now publishes a short summary of each visit and sends the full detention report to the president, parliament, and other relevant stakeholders, depending on the case. HRCM shared its Prison Visit and Complaints Report 2010 in November with relevant authorities, Ministry of Home Affairs, and the DPRS. The HRCM decided not to publish full detention reports in order to reduce public backlash against the relevant authorities and to facilitate constructive dialogue and good relations with them. According to the HRCM, following this decision, relations have improved between the HRCM and other stakeholders and the HRCM is better able to persuade the relevant authorities to improve detention facilities and practices.

By August the Government had partially completed construction of a new jail for 300 persons adjacent to Maafushi prison. The new facility was designed to relieve overcrowding at Maafushi, and prisoners were transferred to the facility in early August. Men and women are held separately and there are currently 40 women at the Pentagon prison. Conditions in the women's area are similar to the men's area, although the women are guarded by female prison officers and there are fewer cellmates per cell.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The constitution also provides compensation for those detained without legal justification.

Amnesty International (AI) reported that police arbitrarily arrested and detained opposition member of parliament (MP) Abdullah Yameen on July 14 without charge. He was released on July 24. According to AI, authorities failed to respect a court order to produce Yameen before a judge or charge him with a recognizable criminal offense. President Nasheed argued that Yameen was in custody to protect him from threats of violence from political mobs. Yameen alleged that the crowd of people who attacked his house July 14 consisted of government activists.

Role of the Police and Security Apparatus.—The MNDF is responsible for external security and also handles disaster relief operations and national emergencies. The director of the MNDF reports to the minister of defense. The president is commander-in-chief of the MNDF and since December holds the portfolio of minister of defense. In 2008 the Majlis enacted a new Armed Forces Act that established legal parameters for the MNDF's role. The MNDF also provides defense force reporting to the president. The MNDF has a program of human rights-type awareness courses for personnel.

The MPS, which is responsible for internal security, public safety, and law and order, was separated from the MNDF in 2004 and is subordinate to the Ministry of Home Affairs. The president appoints the MPS commissioner, who reports to the minister of home affairs. The MPS generally has functioned effectively to fulfill its responsibilities and has established internal organs and mechanisms with a human rights focus. These include: the Professional Standards Directorate, which is mandated to promote police compliance with the highest ethical and human rights standards; and a designated Human Rights Liaison Officer, who is responsible for mainstreaming human rights issues within the service. It is now mandatory for all new police personnel to undergo human rights training.

The prosecutor general referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case confidential until they were confident that the charges were likely to be upheld. Three units under the Special Operations and Security Department of the MPS replaced the Star Force, formerly an elite unit of the MPS. These units are the Special Weapons and Tactic Team, the Industrial and Personal Security Unit, and the Riot Police.

The PIC, established in 2006 to investigate allegations of police corruption and impunity, is the primary mechanism available to investigate security force abuses. During the year the PIC investigated 136 complaints, of which 74 have been concluded; they made recommendations on 12 cases. The PIC is limited to making recommendations. In general the recommendations have been followed.

Arrest Procedures and Treatment While in Detention.—The law of arrest requires that no person be arrested unless the arresting officer observed the offence, had reasonable evidence, or had an arrest warrant issued by a court. The constitution provides for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to hire a lawyer. The law also requires that an arrestee be informed of the right to a lawyer at the time of arrest. Prisoners had the right to a ruling on bail within 36 hours; however, reports indicated that bail procedures were not publicized adequately, explained, or implemented consistently. Under the

2008 constitution, a lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. According to the Attorney General (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.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges will be made. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention 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 would pose a threat if released.

Sources reported that police held suspects under the investigative detention provision without formal arrest for a few hours to a few days. Such a procedure allegedly has been used to remove groups from the streets and control gang activities. There is no formal record of investigative detentions as there would be with an arrest.

On June 29, two opposition MPs were detained on treason and bribery charges and released to house arrest several days later on Supreme Court orders. A third opposition MP was arrested several days later. Over the next several weeks, a series of conflicting court rulings was made determining the arrests as valid under the constitution and later invalid. The courts ultimately ruled the police did not follow proper procedures, and the arrests were invalid. On July 24, the last detainee was released.

On February 4, President Nasheed announced clemency to Himandhoo prisoners in Maafushi Jail and offered amnesty to help them become productive citizens. There were about 50 individuals arrested in 2007 on charges of resisting police efforts to find suspects responsible for Sultan Park bombings and for inciting violence. Police imprisoned 16 of those arrested. The Islamic Ministry assumed the responsibility of rehabilitating these prisoners.

The president reduced the sentences for two prisoners involved in the Sultan Park bombing under the Clemency Act, and these prisoners were released in August.

e. Denial of Fair Public Trial.—The law and constitution provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Prior to 2008, the president was the highest legal authority responsible for settling appeals from lower courts. In 2008 President Gayoom established an interim Supreme Court and appointed five interim judges to serve during the two-year transitional constitution period. In August the transitional period ended, and the Government made final appointments to the Supreme Court. The seven-member court is independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it.

In 2008 the Supreme Court reported only 31 percent of cases filed in 2008 were completed that year. The Judicial Services Administration published a 2008 report that identified a backlog of 2,676 cases in lower courts, with 78 percent of cases filed in the lower courts having been completed by year's end. There have not been any updated reports since 2008.

Trial Procedures.—The law provides that an accused person is presumed innocent until proven guilty. There were no jury trials. Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. Regulations rather than laws govern trial procedures. 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. An accused person has the right to defend himself or herself "in accordance with Sharia." During a trial, the accused may call witnesses and has the right to be represented by a lawyer. Under the constitution, a lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. The judiciary generally enforced these rights.

Both defendants and their attorneys have full access to all evidence relating to their case, they have opportunity to cross examine any witnesses presented by state, and can present their own witnesses and evidence.

Under the constitution, the prosecutor general is a separate and independent body subject only to general policy directives by the AG on the conduct of criminal proceedings. The prosecutor general's mandate includes supervising prosecution of all criminal cases and determining whether charges should be pursued based on evidence presented by investigating authorities.

Civil law was subordinate to Sharia, 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 local interpretation of Sharia, all answers and submissions should come directly from the parties involved. The High Court, however, 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. The testimony of women is equal to that of men for finance and contract matters. The testimony of women is not equal to that of men for inheritance cases, but in practice witness testimony is seldom required as most of the property of the deceased such as land, estates, boats, vehicles, shares, and bank accounts is registered. Male heirs get twice the share of female heirs, but the most valuable property (that is, land) of the deceased is usually shared equally as most of the land is owned by the state and not privately owned. If the land is privately owned, then Sharia applies. The right to defend is not related to Sharia. The right to defend, as it is in chapter two of the constitution, is in accordance with international human rights instruments.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. Local nongovernmental organizations (NGOs) confirmed that no one had been arrested solely for his or her political beliefs since the inauguration of the new government. As for previous political prisoners, government observers claimed that they had been released after the charges against them were withdrawn or found to be without merit. AI stated that “it continues to be concerned about the detention of Prisoners of Conscience who have been imprisoned solely for their political beliefs” but did not cite specific cases or provide a number of political detainees.

Civil Judicial Procedures and Remedies.—A civil court addressed noncriminal cases. In February 2009 Mariyam Manike filed a civil suit against the ministry of defense over the killing of her son Evan Naseem in 2003 by eight former security officers at Maafushi prison. The case was closed because Mariyam Manike failed to appear for the hearing.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, “except as expressly provided by law.” 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 by a court during a criminal investigation.

The constitution provides that residential premises and dwellings should be inviolable and can be entered without consent of the resident only under exigent circumstances or under the authorization of a court.

On July 4, three recordings of personal telephone calls were posted on the Internet. The Government claimed the recordings provided evidence of a corruption conspiracy and proposed using them as evidence for corruption charges. Due to the absence of an Evidence Act, there is uncertainty as to whether the recording will be accepted as evidence in court. The source of these recordings was not determined. The telecommunications authority claimed that only the police or the MNDF had the capability to make recordings. At year’s end, there had been no determination on the legality of the recordings.

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 most cases. However, 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.

There are almost 200 independent newspapers and periodicals, and government ministers owned several of the daily publications. The Maldives Media Council Act established the Media Council as an independent, self-regulatory body. In April the Government enacted a bill establishing the Maldives Broadcasting Corporation as a 100 percent government-owned company. The Government wanted the corporation to be free from political and commercial influence and to televise public service announcements and matters of the state (such as President Nasheed’s speeches) at no cost to the Government. There have been ongoing unresolved disputes between parliament and the executive over which institution should have jurisdiction over the state broadcasters. In November 2009 the Government passed amendments to the penal code making defamation a civil rather than criminal offence.

Criticism of the Government and debates on difficult societal issues are commonplace, but there were a few incidents of journalists being threatened or attacked by

both government and opposition supporters. In March the Department of Information withdrew five out of 100 points from the broadcast license of the radio station DhiFM following its coverage of the protest outside the president's residence on January 28. Every six months the Department of Information grants 100 points to all license holders. If a broadcaster loses more than 50 points during the allocated six month period, license can be revoked from six to 30 days and a fee of Rf 6,000 (\$469) to Rf 30,000 (\$2,344) can be charged depending on the number of points deducted. Also in March a group tried to enter the FM radio station DhiFM, threatened and attacked DhiTV Television Station's staff, and stabbed a staff member of Haveeru daily newspaper. These attacks followed the arrest of Ibrahim Nafiz, known as "Chika," a known figure in the local world of illegal narcotics; according to sources, the instigators were gang members loyal to Chika.

In September the International Federation of Journalists (IFJ) issued a press statement expressing alarm at increasing hostile actions against independent media. The IFJ cited incidents of vandalism by unknown persons against the private broadcaster VTV, which coincided with threats against the station made by MP "Reeko" Moosa Manik. In addition IFJ expressed concern that the head of the Male municipality reportedly attacked a cameraman with private broadcaster DhiTV and confiscated his camera. The Maldives Journalists' Association (MJA) stated that these actions contributed to "a climate of intolerance" against the broadcaster.

NGO sources also stated that in general the media practiced self-censorship on issues related to Islam due to fears of being labeled "anti-Islamic" and subsequently being harassed.

In June the Government held a Commonwealth media development workshop, a four-day event conducted by the Commonwealth in collaboration with the MJA. 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.—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, which was widely available in the capital and increasingly present in outlying atolls.

The Ministry of Islamic Affairs continued to block Web sites considered anti-Islamic or pornographic. In March 2009 the Telecommunications Authority of Maldives announced that it had blocked nine Web sites with anti-Islamic and pornographic content at the request of the Ministry of Islamic Affairs. The Ministry also blocked Web sites with information on Christianity and another Web site containing information on Islam. One of the Web sites posted an audio clip of a Ministry of Islamic Affairs official reportedly threatening an imam. Such blocks continued at year's end.

Statistics from the Internet regulator of Maldives indicated that there were approximately 12,000 broadband Internet subscribers in October.

Academic Freedom and Cultural Events.—The law prohibits 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. The Government censored course content and curriculum. Islam is the only religion taught in the schools.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for "freedom of peaceful assembly without prior permission of the State," and the Government generally respected this in practice.

There were allegations by reporters that the MNDF and police at times used force to disperse protestors. According to Minivan News, some reporters claimed that during the Maldives Democratic Party (MDP)-led demonstrations calling for Yameen and Gasim's arrest, the MNDF and police beat the gathered protestors with their batons. Police spokesperson reported that nine police officers and six civilians were injured during the riots.

A journalist from Miadhu, three journalists from DhiTV, two journalists from VillaTV, one from newspaper Miadhu, and a photographer from Haveeru reported they were attacked by police during a DRP-led protest in October.

Freedom of Association.—The constitution provides for freedom of association; however, the Government imposed some limits on this freedom in practice. The Government registered clubs and other private associations only if they did not contravene Islamic or civil law.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. Employers often housed foreign workers at their worksites.

The law allows for banishment to a remote atoll as a punishment, but the provision was seldom practiced.

There were no known cases of the Government discovering converts and rescinding citizenship as a result of conversion.

There are no government restrictions on free movement within the country or for foreign travel.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and the Government has not established a system for providing protection to refugees or persons seeking asylum. The Government has cooperated in the past with the Office of the UN High Commissioner for Refugees (UNHCR). In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There have been no reports of abuse of refugees or asylum seekers.

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

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

Elections and Political Participation.—In May 2009 the country held its first multiparty parliamentary elections. Although there were sporadic confrontations and reports of electoral irregularities, including allegations of bribery and intimidation, election observer groups, such as Transparency Maldives and the Commonwealth, reported the elections to be generally free and fair. Political parties operated without restriction or outside interference.

On October 9, the island consolidation plan went to referendum. Voters rejected the Government's proposal for administrative consolidation and the creation of city councils.

There are five women in the 77-member Maldivian Parliament. There are three women in the 10-person cabinet. These include the Minister of Health and Family, Minister of Education, and Minister of Tourism, Arts, and Culture. Parliament approved a woman as commissioner of the Human Rights Commission, but the female nominee for vice commissioner was not approved by parliament because parliamentarians expressed concern about having two women leading the commission.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials occasionally engaged in corrupt practices with impunity. In 2008 the Government established an independent Anti-Corruption Commission (ACC) to investigate corruption charges involving senior government officials.

Approximately 150 cases from the previous board were transferred to the new commission. In May 2009 President Nasheed established a presidential commission to investigate allegations of widespread corruption by high-level officials from the previous government, including former president Gayoom. The Government created the commission after the ACC and independent audit reports revealed cronyism and misappropriation of state funds. The commission has authority to summon, interrogate, and take statements that may be used as evidence in court. At year's end, the investigation continued, and no additional information was available.

There are no laws that provide for access to government information.

Section 5. 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 often were cooperative and responsive to their views.

The HRCM was fully functional, with Ahmed Saleem serving as interim president. On October 4, the Government confirmed Mariyam Azra as commissioner of the HRCM.

In 2009 the HRCM established an NGO Network to support and assist human rights NGOs and to secure the cooperation of NGOs. There are currently 48 NGOs in this network. The commission provides technical, financial, and other forms of assistance to NGOs that have joined the Human Rights NGO Network; the commission's objectives are to assist and provide encouragement in their work as human rights defenders and also to seek their assistance in the work of the HRCM.

The Maldives Democracy Network (MDN) is one of the largest human rights NGOs and has established a network of human rights defenders to train a volunteer network of dedicated individuals to advocate for and monitor human rights across the country. This network gives MDN the ability to promote human rights, assess the human rights situation, and monitor specific violations on a nationwide scale.

Section 6. 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, gender, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Sharia in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—In 2008 the Government changed the Ministry of Gender and Family to the Ministry of Health and Family to pursue a policy of gender mainstreaming to provide for gender equality. The empowerment of women was a key aspect of all government policy initiatives, activities, and planning.

Rape is not classified as a separate offence in the current penal code and cannot be prosecuted under any act. Other provisions of the law are used to criminalize rape. For example, the Prosecutor General's office uses sexual assault or misconduct charges depending on the gravity of the offence. A man can be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In March 2009 Mazeena Jameel, Permanent Secretary of the Ministry of Health and Family, stated that out of 10 rape cases reported, only two led to convictions, partly due to the difficulty of proving rape.

Under the law, spousal rape is not a crime.

The Domestic Violence bill was proposed during the year and is currently in parliament. The bill is the first effort to pass legislation criminalizing domestic violence in the country. There are currently no laws regarding domestic violence against women or workplace sexual harassment, nor were there recent firm data on the extent of violence against women. However, a 2006 Ministry of Gender and Family study on women's health and life experiences noted that one in three women between the ages of 15 and 49 years 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 years 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 years. Of those women between the ages of 15 and 49 years who had ever been pregnant, 6 percent reported having been physically or sexually abused during pregnancy. The survey reported that many respondents perceived women to be subordinate to men, and that men used Islam to justify restrictions and violence against women.

Media reports of violence against women and rape are common. In January a woman in Foah Mulaku was gang raped in front of her husband while he was tied to a tree. Police apprehended suspects and conducted an investigation. Also in January, a woman in G.A. Villingilli reported an attempted rape. In February a group of men in Laamu Atoll allegedly broke into a house, tied electrical wires to the feet of a woman, and gave her electric shocks. In March on S. Hitadhoo, a group of 15 men drugged and raped a 20-year-old girl. There were several other rapes reported over the summer in Male but no follow-up information on arrests or prosecution was published. On July 12, the Prosecutor General submitted the 2009 murder case against the boyfriend of Mariyam Shereen, whose body was found under a pile of sandbags in a construction site. At year's end, the case continued at the Criminal Court.

The Police Annual Report for the year listed 455 cases of sexual assault (under which rape is included) reported in 2008, 563 cases reported in 2009, and 523 cases in during the year. There were 172 cases of domestic violence reported to police in 2008, 156 cases were reported in 2009, and 135 cases during the year. Information on the number of cases sent to the prosecutor general's office and to court for prosecution is not available. However, in March a coalition of NGOs condemned the performance of the judiciary and the Government for its treatment of criminal cases, especially those concerning rape, citing a "failure of the state and responsible authorities to convict those responsible for these crimes." The statement noted the number of crimes such as murder, rape, child abuse, assault with sharp weapons,

and threats to journalists and others that are reported in the media far outnumber the number of crimes investigated by police, sent to the prosecutor general's office, and tried in the Criminal Court.

In 2008 the Ministry of Gender and Family released data showing an increase in the reported cases of violence against women, although NGOs believed that most cases remained unreported. Several reasons were cited for the silence on the issue, including fear of reprisals from abusers, losing custody of children, lack of economic independence, insensitivity of police when dealing with victims, absence of regulation in media concerning the privacy of the victim, dealing with the stigma attached to being a victim, and low conviction rates.

In May 2009 an official of the Ministry of Health and Family, formerly the Ministry of Gender and Family, stated to the local media that access to justice was one of the biggest obstacles to eliminating gender-based violence.

The Department of Gender and Family Protection Service (DGFPS), under the Health Ministry, provides a range of services from protection, rehabilitation programs, vocational skills development, and legal services to imparting coping strategies; these are designed to enhance victims' knowledge and skills, to empower themselves and others, and assist them to be reintegrated into the society at large. According to the Health Ministry, at the end of the year, four rape cases were referred to DGFPS requesting assistance, three of which were gang rapes. Support services are also available from the Society for Health Education, an NGO focusing on women and health care issues, which provides professional counseling for abused women. At present there are no safe houses for abused women, although provisions for their creation are included in the Domestic Violence bill that is before parliament.

There are Family and Children's Centers (FCSC) on every atoll in the country. They are intended to help streamline the process of reporting abuse against women and children. The centers had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases.

In May 2009 the Government in partnership with the UN launched a two-year program to deal with gender-based violence. The program's objectives include raising awareness of gender-based violence, developing social support and counseling, providing women with legal options, and advising them on economic opportunities that would empower them to leave abusive relationships. The action plan was to involve various stakeholders in government including police, health ministry, religious leaders, and the judiciary to ensure cooperation and accountability. As part of this project, the UN has drafted guidelines on operating a separate women's shelter next to the orphanage on the island of Villingili. This would be a safe house for women who suffer from domestic violence and abuse. The UN held a week-long training session for 25 people on how to analyze gender-based violence cases and held a one-day workshop with the Ministry of Islamic Affairs with the goal of informing key actors in the field how domestic violence is treated in Islam.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children, and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

According to the 2009 Demographic and Health survey conducted by the Ministry of Health and Family, 99 percent of women received prenatal care from a skilled provider (92 percent saw a gynecologist, 7 percent received care from a doctor other than a gynecologist, and less than 1 percent received care from a trained nurse or midwife, a community health worker, or a traditional birth attendant). According to the survey, 95 percent of births in the five years preceding the survey were assisted by a skilled health worker (gynecologist, doctor, nurse, midwife, or community and family health worker). The maternal mortality rate in the country is 37 deaths per 100,000 live births. Only 6 percent of women did not receive any postnatal care. Women who live in Male have the highest rate of care (96 percent) from a gynecologist, doctor, nurse, or midwife versus 90 percent in rural areas.

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 2007 the Government appointed the first female judges.

The minimum age of marriage for women was 18 years old, but marriages at an earlier age occurred. Some of these marriages occurred in Pakistan and India, and those that occurred in Maldives were usually not registered in the court. As a result, it was difficult to know how many cases there were during the year. According to the Ministry of Health, if a minor wished to marry, the ministry would undertake

an assessment to ensure the physical and mental well-being of the child. These children can then marry with their parent's consent. Most applications were from girls between the ages of 16 and 18, but the ministry did not provide a count of how many applications they considered. In addition the ministry stopped accepting applications to consider underage marriages. Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Sharia also governs estate inheritance, granting male heirs twice the share of female heirs. In practice the country's inheritance laws are complex. According to the prosecutor general's office, unless the men in the family demand a larger share, property is divided equally among siblings.

During the year a Global Gender Gap Report by the World Economic Forum found women who worked for wages received about 65 percent of what men in the same positions received. According to an HRCM report published in August 2009, despite provisions in the constitution and the 2008 Employment Act, there were no policies in place that provided equal opportunities for women's employment. The absence of childcare facilities made it difficult for women to remain employed after they had children; it was socially unacceptable for women to stay on resort islands for extended periods, which discouraged women from working at tourist resorts. The HRCM also received reports that some employers discouraged women from marriage or pregnancy, as it could result in termination or demotion.

In March 2009 the Government established an Rf 10 million (\$780,000) Fund for the Economic Development of Women. Provided by the Asian Development Bank as part-loan and part-grant, the project encouraged economic independence by assisting women to establish small- and medium-sized enterprises.

Children.—Citizenship is derived through one's parents. A child born of a citizen father or mother, regardless of the child's place of birth, can derive citizenship.

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 to attend secondary school on another island.

Government policy provides for equal access to educational and health programs for both male and female children.

The law sought to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Health and Family has the authority to enforce the law and receives strong popular support. The ministry reported child abuse, including sexual abuse. In November 2009 parliament passed the Child Sex Abuse Act, which codified child sex offenses for the first time and outlined sentences of up to 25 years for those convicted. However, under article 14 of the act, if a person is legally married to a minor under Islamic Sharia, none of the offences specified in the legislation would be considered a crime. There were reports that, although the courts had the power to detain perpetrators, most were released pending sentencing and were allowed to return to the communities of their victims.

In March 2009 the FCSC stated that the biggest challenge it faced in efforts to protect children's rights was the release of pedophiles into the communities of their victims.

According to statistics from the MPS, police received 162 cases of child sexual abuse during the year, and 104 of these were forwarded to the Prosecutor General's Office after investigation. In addition police arrested 117 pedophiles during the year compared to 23 in 2009. Of the 117 arrested, two were females.

In February DGFPS reported the cases of child abuse in 2009 had doubled compared with 2008. The department stated that cases of sexual abuse were increasing, and underage marriage and pregnancy was a major concern. The increase in the cases reported appeared to be due to increased public awareness.

DGFPS reported 1,042 cases of abuse during the year, including 246 cases of child sexual abuse cases, 111 cases of physical abuse, 126 cases of neglect, 175 disciplinary cases, 45 cases of emotional abuse, 131 custody and family issues, and two cases of child prostitution. There are no laws or regulations dealing with cases of neglect.

The former Bangladeshi High Commissioner reported a case of a Bangladeshi girl who was forced into prostitution in Maldives and noted cases of young boys working in guest houses who were physically assaulted. These crimes were not reported due to fears of retaliation, but the Bangladesh High Commission has ceased attesting work permits for Bangladeshi women.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no known Jewish citizens or residents, and there were anti-Jewish protests in response to an Israeli humanitarian mission.

When it was announced a team of Israeli doctors was due to arrive in the country to treat eye patients in December, the Islamic Foundation of the Maldives called on the Government to break off all diplomatic ties with Israel. The Islamic Foundation claimed that it was against Islam to have “relationships with Jews” and called on the president to “shun all medical aid from the Zionist regime.” When the medical team arrived, there were protests against the eye doctors and Israeli flags were burned. The protests were fairly small and Minivan News reported that over 200 Maldivians registered for eye care with the Israeli team.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution provides for the rights and freedom from discrimination of persons with disabilities and a Special Needs Act was put in place in July. The purpose of the act is to protect the rights of persons with disabilities and to provide them with financial assistance. The president created the Council to Protect the Rights of People with Disabilities in August. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 (\$156) every month. The Ministry of Health and Family maintains a list of persons with disabilities. By December 26, the ministry received 3,384 applications. The ministry planned to start disseminating the allowance in January 2011. Government programs provided services for persons with disabilities, including special educational programs for persons with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

There were multiple NGOs working to improve the rights of persons with disabilities, including Hand in Hand, the Association of Disability and Development, Handicap International, and the Care Society.

In April the HRCM, in conjunction with the United Nations Development Program, released a report on the rights of persons with disabilities. The report found that most schools only took children with very limited to moderate disabilities and not those with more severe disabilities. There virtually was no access to or transition to secondary-level education for children with disabilities. Additionally there was no mental healthcare available in Male; there were only two psychiatrists working in the country who dealt mostly with drug rehabilitation. There also was a lack of quality residential care. There were more than 31 persons with disabilities waiting for a place at the Home for People with Special Needs as of March.

In July 2009 the Maldives Deaf Association received funding from the Ministry of Human Resources, Youth, and Sports to facilitate arts and crafts courses for persons with auditory disabilities between the ages of 18 and 35 years old.

In October 2009 President Nasheed launched the country’s first sign-language dictionary. The objective of the book was to serve as a bridge between persons with auditory disabilities and the rest of society. Handicap International funded the project.

The Government 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 Health 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. The Government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits homosexual conduct, and it was considered socially unacceptable. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. There were no organizations concerned with lesbian, gay, bisexual, or transgender (LGBT) issues in the country. There have not been any reports of officials complicit in abuses against the LGBT community. Due to societal intolerance of homosexual conduct, there are few openly homosexual individuals acknowledged in the country. Thus there is no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

Other Societal Violence or Discrimination.—The country had a very low prevalence of HIV (approximately 0.01 percent). Of 14 HIV-infected Maldivians, 12 are male, two are female, 11 have developed AIDS, and 10 have died. Since 2008 no

new HIV cases were reported in the country, but during the year 19 foreign workers were reported with HIV. Maldives did not systematically collect statistics on HIV infection, indicating that these numbers likely underrepresented the actual situation.

According to a 2009 Demographic and Health survey, most women surveyed were willing to care for a relative with AIDS at home (86 percent), buy fresh vegetables from a shopkeeper with AIDS (79 percent), allow a female teacher with AIDS to continue teaching (61 percent), or allow a male teacher with AIDS to continue teaching (59 percent). Three of four women said that they would be open about having an HIV-positive family member. Only 37 percent of women expressed accepting attitudes on all four indicators, indicating some stigma associated with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—The 2008 constitution recognizes the right to freedom of association and states explicitly that all rights and freedoms in the statute apply to “everyone” in the country, including migrant workers.

The 2008 Employment Act does not address the formation of trade unions, and the law does not specify protection against antiunion discrimination. Some workers’ organizations have been established, particularly in the tourism and education sectors, although these function more as associations rather than real unions. Among the most active: Teachers Association of the Maldives, the Tourism Employees Association of the Maldives (TEAM), and a fishermen’s association. According to a report by the Human Rights Commission of the Maldives (HCRM), worker associations’ ability to defend employee rights was hampered by the uncertainties surrounding their status and mandate and a lack of laws defining their role and the procedures by which they may negotiate with employers. In the absence of real trade unions, the concept of collective bargaining remains unknown.

The constitution states that every person employed in the country has the freedom to stop work and to strike. This right was exercised frequently during the year, particularly in the construction and tourism sectors. TEAM organized work stoppages to protest against unfair working conditions, low wages, and long working hours. Police sometimes employed force to suppress strikes.

The Employment Act does not cover emergency workers, air and sea crews, police, armed forces, and executive staff of any company, and workers who are on call.

In February the parliament passed an Employment Tribunal Regulation, which details procedures for revising and adjudicating employment matters, and other matters to do with the functioning of the Employment Tribunal under the Employment Act. The Employment Tribunal was established in 2009 to examine and adjudicate legal matters arising between employers and employees and other employment issues. In its first four days, the tribunal received over 400 cases. Of the 137 valid claims filed in 2009, the tribunal completed 54 cases and resolved 19; 64 cases continued at the end of the year. During the year the tribunal received 276 cases, of which 110 were completed at year’s end. A completed case is one in which the tribunal delivers a verdict and provides recommendations but does not know whether the defendant acted upon the recommendation. Twenty-two cases were resolved, meaning that the complainant and the defendant came to an agreement or the defendant abided by the tribunal’s recommendations. Eleven cases were withdrawn, and 21 cases were cancelled due to absence of complainants at hearings or due to lack of necessary information. There were 38 cases during the year that were not resolved by year’s end. Most cases dealt with unfair dismissal in the private sector, including tourist resorts, utility companies, and other businesses. The tribunal also received some cases of unfair dismissal in the civil service.

b. The Right to Organize and Bargain Collectively.—The constitution and Employment Act do not address workers’ rights to collective bargaining. In practice informal collective bargaining involving employee associations, primarily in the tourism sector, began shortly after both laws took effect. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector.

TEAM, a resort workers association, claimed resort workers were systematically denied recognition by employers, employers refused to negotiate collectively, and employers threatened workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor; however, there were reports that forced labor occurred. The HCRM reported that some domestic workers, especially migrant female domestic workers, were in some cases trapped in forced labor situations, in which employers used threats and intimidation to prevent them from leaving.

The expatriate worker population of Maldives is estimated at 80,000, which is an estimated 25 percent of the population. The Maldives Immigration Controller estimates there are a minimum of 30,000 illegal foreign workers; over half of these workers come from Bangladesh with others from India and other south Asian countries. Department of Immigration statistics state 18,000 new foreign workers came to the country between January and October. These workers were predominantly employed in the construction and tourism sectors, where some experienced forced labor and even debt bondage. Most victims of forced labor were reportedly coerced to work through one or more of the following practices: holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, and not being paid at all.

Under the law, foreign workers arriving in the country must have a work permit issued by the Immigration Department. This is obtained through an employer or agent, who must first request a foreign worker quota stating the number of employees needed from the Ministry of Human Resources, Youth, and Sports. These quotas are easy to obtain, and there is little enforcement. In an effort to control the flow of workers into the country, the Bangladeshi High Commission also requires that work permits for their nationals be attested by the local commission before they are considered valid. However, forged documentation is common. In June the Human Resources Ministry and the Maldives Police Service conducted operations to find and deport illegal workers in the atolls. The outcome of these operations had not been reported at year's end.

The Ministry of Human Resources blacklists companies who violated the provisions of the Employment Act, precluding violators from bringing in new workers until violations were rectified. The law allows for a fine of not more than Rf 5,000 (\$397) for forced labor and other violations of the Employment Act. During the year 16 employers were blacklisted.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Employment Act sets 16 years of age as the minimum age for employment, with an exception for children who voluntarily participate in family businesses. The Employment Act also prohibits employment of children in “any work that may have a detrimental effect on health, education, safety, or conduct.” Child labor, however, was a problem in the fishing sector, small commercial activities, and family enterprises. Adolescent children who were sent from islands with inadequate education facilities to Male or other areas for educational purposes sometimes worked as domestics in exchange for food and lodging. The HRCM reported the domestic work of children living with host families while attending school was sometimes coerced.

DGFPS of the Ministry of Health and Family was responsible for monitoring compliance with the law regarding child labor. Based on the limited information available, the ministry's enforcement appeared to be effective. 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. According to the Labor Relations Authority, none of the 477 claim/complaint forms that it received last year related to child labor or employment of minors. Additionally no cases of child labor were found during its regular labor inspections during the year.

e. Acceptable Conditions of Work.—The 2008 Employment Act establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for work-place safety. In 2008 the Government established a Labor Relations Authority and an Employment Tribunal to implement the Employment Law. The Labor Relations Authority, under the Ministry of Human Resources, Youth, and Sports was not staffed until September, when 15 people were hired. The office conducted investigations and provided dispute resolution mechanisms to address complaints from workers. Since September the authority had completed an estimated 100 inspections.

The act provides a mechanism to establish a minimum wage in the private sector. The minimum wage in the Government sector was approximately Rf 3,100 (\$241) per month, which was inadequate for a decent standard of living for a worker and family. Because of the tight labor market, private sector employers generally offered competitive pay and conditions to attract skilled workers.

The Employment Act provides for a 48-hour per week limit 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 Employment Act states that employees working overtime shall be paid 125 percent of their hourly working wage and, if working on a Friday or a public holiday, they shall be paid 150 percent of their hourly working wage. The public sector provides a seven-hour workday and a five-day workweek.

According to a rapid assessment done by the HRCM on the employment situation in the country during 2009, the enforcement of the Employment Act was poor. Government corporations were working to reconcile their employment agreements according to the act and many private companies had not started to sign employment agreements with their employees. Furthermore, HRCM alleged that many small employers did not show any intention of entering into agreements with their employees. The notable achievements of the act have been the creation of an Employment Tribunal and a Labor Relations Authority.

Migrant workers were particularly vulnerable to exploitation and, upon arrival in the country, often found unacceptable work conditions, but they were forced to accept work at whatever wage was offered for debt repayment to the employment agency. The HRCM found many instances of nonpayment of wages to migrant workers and inadequate housing. Former Bangladeshi High Commissioner Selina Mohsin reported that 110 Bangladeshi migrant workers died in 2009 from construction-related injuries such as falls, heart attacks, extreme tension and stress, and the effects of working in hazardous environments without proper ventilation. There is no indication that conditions have improved during the year. The status of migrant workers employed in the categories of senior management, professionals, and skilled workers was generally better.

Under the Employment Act, workers have the right to refuse work that is dangerous; it was unclear whether workers exercised this right in practice. The Employment Act mandates the implementation of a safe work place; procurement of secure tools and machinery; ensuring the continued safety of the equipment, provision of protective equipment to eliminate health hazards, and training of employees in the use of protective gear; and the provision of appropriate medical care. Currently all employers are obliged to buy a health insurance scheme for foreign workers. 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. According to an HRCM report in August 2009, there were no national standards for safety measures and, as a result, such measures were at the discretion of employers. Some employers that produce for export have adopted health and safety standards. Employers in other sectors, most notably the tourism and construction industries, however, have reportedly not taken similar measures. The Employment Act grants workers the right to compensation if fired without cause. The act specifically bans discrimination based on race or color, but it notes that "any preference given to Malaysians by an employer in granting employment shall not be deemed discrimination."

The 2009 HRCM report stated the highest number of job-related complaints, 139, came from resort workers. Most of these complaints related to employers disregarding workers' rights included in the 2008 Employment Act. The three most common types of cases were nonpayment of wages, unfair and illegal dismissal, and nonpayment of due benefits and allowances.

In 2009 the HRCM heard labor disputes because the Employment Tribunal was not in place, and the courts refused to hear labor cases. Since the Labor Relations Authority (LRA) was staffed in September, the HRCM now refers all labor disputes to the Employment Tribunal. The LRA reported that of the 477 complaints made during the year, 80 percent were from workers in the construction industry, and most complaints were about nonpayment of wages, termination without notice, lack of written contracts, expiration of employment approval, and employers not providing food and accommodation. According to the LRA, 50 percent of the cases reported during the year were resolved and 45 percent of the cases continued, while the remaining 5 percent of the cases were pending due to the absence of the employer or the employee. In cases where the employer or the employee failed to show up for three months, the case was closed.

In May 2009 the Government acceded to the International Labor Organization (ILO). The country continued to work with the ILO to implement the ILO Work Plan for 2009-10, which included strengthening labor administration, promoting tripartism and social dialogue, ratifying selected international labor standards, and developing a social security floor to provide vulnerable and socially excluded groups with systematic benefits. At year's end, these efforts were still in process.

NEPAL

Nepal, with a population of approximately 29 million, is a federal democratic republic. The political system is based on the Interim Constitution of Nepal 2063 (of 2007), with a prime minister as the chief executive, and the 601-member Con-

stituent Assembly (CA), which is responsible for drafting a new constitution. After failing to deliver a new constitution on May 28, as required by the interim constitution, the CA extended its deadline for one additional year. Prime Minister Madhav Kumar Nepal, of the Communist Party of Nepal-United Marxist Leninist (UML), tendered his resignation on June 30, but after numerous rounds of voting the parliament had not elected a new prime minister by year's end. Domestic and international observers generally characterized the 2008 election results as credible, although there were reports of political violence, intimidation, and voting irregularities. Security forces reported to civilian authorities, but there were frequent instances in which elements of the security forces acted independently of civilian control.

Members of the security forces committed human rights abuses. Members of the Nepal Police (NP) and Armed Police Force (APF) committed extrajudicial killings and tortured numerous persons. Security forces used arbitrary arrest and detention. Impunity for human rights violators continued. The Government continued to restrict the freedoms of Tibetans. Societal discrimination against women, persons of lower castes, some ethnic groups, and persons with disabilities remained a problem. Violence against women and children continued.

The Sanyukta Jatiya Mukti Morcha (SJMM), an armed group, used threats to force the en masse resignations of Village Development Committee secretaries (VDCs) from various parts of the country. Members of the Maoist militias, the Maoist-affiliated Young Communist League (YCL), and members of other small, ethnically-based armed groups engaged in arbitrary and unlawful use of lethal force. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, attacked civilians, government officials, members of particular ethnic groups, each other, or Maoist militias. Armed groups, criminals, and political parties used threats of violence to intimidate journalists throughout 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 numerous reports that the Government or its agents committed arbitrary or unlawful killings. The Informal Sector Service Center (INSEC), a local human rights organization, reported that security forces or other armed groups killed 140 persons during the year. Security forces killed at least 27 individuals; the Maoist party and its affiliate, the YCL, were believed to have killed three persons; armed groups operating in Terai killed more than 21 persons; and unidentified groups killed 86 persons.

On March 10, members of the Nepal Army (NA) killed two Dalit (“untouchable” lower-caste) women—Devisara BK and Amrita BK—and a 12-year-old girl, Chandrakala BK, inside the Bardiya National Park in Surkhet District. Although the NA alleged that the group was armed and involved in poaching, the National Human Rights Commission (NHRC) investigation concluded that the three women were shot in the back from a distance. The NHRC recommended action against those involved in the incident, including 15 army personnel of the Jwala Dal Battalion led by Captain Subodh Kunwar. The NHRC also recommended compensation to the families of 300,000 rupees (\$4,152) for each of those killed and free education for the children of the deceased women. The NA had not taken action against those involved by year's end.

In its report on extrajudicial killings, the Office of the UN High Commissioner for Human Rights (OHCHR) documented 39 credible allegations of extrajudicial killings, which resulted in 57 deaths, attributed to the NP from 2008 until June 2010. In most cases, the NP alleged that the person killed was a criminal and was fleeing the police. The NHRC expressed concern about the “extreme use of force” in the cases of extrajudicial killings.

On February 12, police in Panchthar District arrested four men on suspicion of theft. A reliable NGO reported that police tortured the men, killing Dal Bahadur Gyanmi Magar and Bikram Gyanmi Magar, a father and son (see section 1.c.).

On May 28, Sanu Sunar of Lalitpur died while in police detention, according to the NHRC. An autopsy revealed that the cause of death was blunt force head injury. The NHRC recommended legal action against those police personnel in charge of the Kalimati police circle, including Bhola Bahadur Raut, who had taken Sunar into custody without following proper procedure. The police department suspended assistant police inspector Madhusudan Bista and constables Roshan Bista and Krishna Khatiwada but took no action against Bahadur Raut.

On July 4, 15-year-old Dharmendra Barai of Puraini, Rupendehi District, died while in police custody. Eyewitnesses reported seeing blue and black marks, allegedly from electric shocks, on the feet, shoulders, and other parts of the boy's body.

The Home Ministry formed a high-level team to investigate the matter. A district-level investigative committee concluded that Dharmendra died due to police negligence and recommended departmental action against the perpetrators. According to a respected human rights group, the case was being registered in the Morang appellate court at year's end. There were also reports that police offered a financial settlement to the victim's father.

In August Sujit BK, a former district leader in the YCL, was arrested for the March 2009 killing of UML-affiliated Youth Force (YF) leader Prachanda Man Thaiba in Butwal. The Maoist leadership suspended Sujit BK from party membership following news of his involvement in the killing. He remained in detention awaiting trial at year's end.

There were no further developments in the April 2009 case of YCL members who allegedly killed YF member Anuj Thapa Magar in Biratnagar. The First Information Report (FIR) filed by his family members named three persons and noted another 10 to 12 unidentified persons who were involved. YCL district leadership denied involvement.

There were no further developments in the July 2009 case of villagers from Dhunchepakha and Chapacho who killed three persons for allegedly trying to kidnap village children. Three persons were arrested and sent to the central jail in Nakkhu, where they remained under pretrial detention at year's end.

The November 10 hearing in Chitwan district court for the 2008 killing of Ram Hari Shrestha was postponed indefinitely. Five United Communist Party of Nepal-Maoist (UCPN-M) members were charged in connection with the killing but at year's end had not submitted their response. A hearing date had not been set. Beginning on July 12, the NP investigated one of the suspects, Kali Bahadur Kham, a senior Maoist leader, in connection with a robbery of three Chinese businessmen in Kathmandu. Police raided Kham's residence and found incriminating evidence, including ammunition and counterfeit government stamps. The Kathmandu District Court issued an arrest warrant for Kham on charges of robbery, but Kham remained at large at year's end.

No one has been held responsible in the 2004 killing of 15-year-old Maina Sunuwar, one of the emblematic cases identified by human rights groups. The Kavre District Court reported that the NA had partially cooperated with the court's order to hand over documents, although the NA did not suspend or hand over one of the accused, Major Niranjan Basnet. An internal military investigation found Basnet innocent. According to statements given during the NA investigation, Basnet was present during Sunuwar's detention and interrogation, which included "water pouring" and "electric shock" interrogation techniques.

According to INSEC, land mines and improvised explosive devices (IEDs) injured 40 persons, including 20 children, during the year. During the year the UN Mine Action Team (UNMAT) cleared 16 antipersonnel minefields, bringing the total cleared to 33 of the 53 the NA laid, and 33 IED fields, bringing the total to 138 of the 312 the NA laid.

The Comprehensive Peace Agreement (CPA) and the 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. According to UNMAT, more square meters of minefield land were cleared from January to June than had been cleared in the previous three years combined. According to UNMAT, out of a total 304 IEDS, the NA cleared 33 of the 53 land mines it was scheduled to clear during the fiscal year. Twenty additional mines are anticipated to be cleared by July 2011.

b. Disappearance.—According to INSEC, there were 185 total abductions during the year. Most abductions were for ransom and occurred in the Terai, where armed groups operated with relative impunity.

The fate of most of those who disappeared during the 10-year Maoist insurgency (1996-2006) remained unknown. According to NHRC estimates, there were 861 unresolved cases of disappearances at year's end, 614 believed to involve the state and 201 believed to involve the Maoists. Disappearances involving unknown groups totaled 46. The International Committee of the Red Cross (ICRC) estimated the number of persons who disappeared during the conflict at more than 1,348, although this included only persons whose families had met with ICRC representatives. A significant number of those who disappeared were young, married men who were the primary income earners for their families. At year's end, the Government had not prosecuted any government officials or Maoists for involvement in disappearances, nor had it released any information about the whereabouts of the 614 persons the NHRC identified as disappeared with state involvement.

The Government did not respond to a 2006 OHCHR report on 49 disappeared persons who had been arrested and detained at the Maharajgunj barracks in

Kathmandu in 2003 on suspicion of being linked to the Maoists, nor did it respond to the 2008 OHCHR report on the Bardiya District, where at least 170 persons disappeared between 2001 and 2004. Human rights organizations repeatedly called on the Government to investigate the human rights violations at Maharajgunj barracks, including the responsibility of those within the chain of command. On January 24, the Supreme Court vacated a stay order issued following a legal challenge to the December 2009 promotion of Major General Toran Bahadur Singh, who was the commander of the 10th Brigade and had chain of command responsibility for the Maharajgunj barracks, to the rank of lieutenant general and second in command of the NA.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the interim constitution prohibits torture, the law does not clearly criminalize torture, and no one has been prosecuted for torture. Some police tortured and otherwise abused citizens. The Torture Compensation Act (TCA) provides for compensation to victims of torture; the victim must file a complaint and pursue the case through the courts. During the year Advocacy Forum-Nepal (AF) filed 13 new cases under the TCA. At year's end, the cases were pending in the district court. At year's end, of the 30 TCA cases filed since 2009, two cases had been withdrawn due to out of court settlement, five cases had been dismissed because the victim failed to appear before the court within the time permitted, and the remaining cases were still pending before the courts.

During the period between January and July 31, AF documented 497 cases of torture by both state and nonstate actors. AF attributed responsibility for more than 387 cases to the NP, 25 cases to the NA, and more than 14 cases to the APF. AF attributed responsibility for 36 cases to the Maoists and one case to the YCL. 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.

A credible nongovernmental organization (NGO) reported that, of the 4,198 detainees interviewed between January and December in 57 detention centers, 811 claimed that they had been tortured. Some detainees were afraid to bring cases against the police due to fear of reprisal. The 15.8 percent of detainees who claimed that they had been tortured during the period from June to December represented an increase of 6.7 percent compared with the same period in 2009. The data showed that those held under certain charges, such as attempted rape, kidnapping, possession of arms and ammunitions, and theft, had a higher chance of being mistreated.

Child Workers in Nepal Concerned Center (CWIN), a credible local child rights NGO, reported that between January and March, 34 of 255 juveniles interviewed claimed that they were subjected to torture and ill-treatment by law enforcement personnel. In the past, such abuses have included kicking, punching, inserting metal objects under toenails, and beating with bamboo sticks and plastic pipes. Police harshly mistreated children more frequently than adults. Among the juveniles interviewed, 138 were between 10 and 16 years of age and one juvenile was under age 10.

There were two cases of persons who died in police custody, reportedly after torture or other abuse (see section 1.a.).

According to reliable eyewitnesses, during a February 9 meeting between the deputy superintendent of police in Kavre Police Station, Dhulikhel District, and the father of a crime victim, the deputy superintendent offered to bring the 17-year-old criminal suspect to the police station to "torture him" for three days. When asked to clarify what he meant, the official reiterated that he had indeed offered to "torture" the suspect.

In March police beat journalists (see section 2.a.) and injured protesters (see section 2.b.).

On December 9, a hearing in Morang District Court was held on the January 2009 case where uniformed police arrested and tortured Narayan Thapa. A decision was expected after the results of a medical report are submitted to the court.

In July 2009 the OHCHR investigated allegations of torture and ill-treatment of Sushan Limbu and Bhakta Rai in the Uurlabari DPO (District Police Office) in Morang. The OHCHR reported that one of the detainees had undergone surgery for injuries he suffered while in detention. The NP Human Rights Directorate investigated and, on August 20, found four police personnel guilty of committing abuses: Inspector Chakra Bahadur Basnet, Head Constable Netra Bahadur Magar, and police officers Bhesh Raj Acharya and Seman Khatri. On August 24, NP headquarters issued a formal warning to the four and closed the case. After the human rights directorate of the NP completed its investigation, Basnet returned to the Uurlabari DPO and resumed work despite the serious allegations against him. According to sources, Limbu did not file a case under the torture law because police pressured

him and offered him money not to. Limbu never received any money and was later arrested for violating a law relating to arms and ammunition.

In 2009 APF personnel allegedly tortured 10 Bhutanese refugees at the APF camp in Beldangi-2 refugee camp and at the Pathibara Gan APF camp in Padajungi, Jhapa District; 13 persons in Dhanusha District; and nine persons in Udayapur District. According to a reliable NGO, no cases were filed under the TCA related to these cases.

On February 12, police in Panchthar District arrested four men on suspicion of theft. Police tortured the men, killing two of them (see section 1.a.), while a third was physically abused until he confessed to the crime. Police also reportedly allowed villagers to abuse the men. The family of the deceased filed FIRs; however, the FIRs do not name all of the alleged perpetrators, reportedly due to political pressure. At year's end, the cases had not gone to trial, and a reliable human rights NGO reported that the family of the victims had been pressured by police not to proceed further with the cases.

Prison and Detention Center Conditions.—Prison conditions were extremely poor and did not meet international standards, while conditions at detention centers were worse. The Government generally allowed visits by independent human rights observers.

According to the Department of Prison Management, as of December 15, 10,739 prisoners—10,002 men, 737 women, 76 dependent children of imprisoned parents, and 648 foreign nationals—remained in custody. Although there generally were separate facilities for men and women, in some overcrowded prisons men and women were in the same prison but in segregated cells. In January the OHCHR observed that the detention cell in the Kaski District Police Office held almost a hundred detainees while the capacity was estimated at 30. Sanitation provisions were inadequate and medical care was poor for prisoners with serious conditions.

Due to a lack of adequate juvenile detention facilities, children occasionally were incarcerated with adults or were allowed to remain in jails with their incarcerated parents.

There is only one functional government-run juvenile reform home, Sano Thimi in Bhaktapur. According to the Department of Jail Management, pretrial juvenile detainees are sent to the sole juvenile correction home and are not kept with convicted prisoners. Adult pretrial detainees were kept with convicted prisoners due to inadequate pretrial detention space.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. There were also procedures in place for prisoners to submit complaints, although the authorities were quicker to respond to allegations when NGOs or international organizations were aware of the complaints.

The Government generally permitted the NHRC, ICRC, and OHCHR to make unannounced visits to prisons and detainees in army and police custody. Although the NHRC is authorized to request government action, the Government often denied the NHRC the right to intervene.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but security forces arbitrarily arrested persons during the year. Police routinely abused their 48-hour detention authority by holding persons unlawfully (i.e., without proper access to counsel, food, and medicine, or in adequate facilities), often at the behest of the chief district officer (CDO) or assistant CDO. It was not unusual for CDOs to direct police to arrest individuals for minor, petty infractions (e.g., unpaid taxes), and many of those orders (which were frequently verbal) were undocumented and appeared politically motivated.

Role of the Police and Security Apparatus.—The NP is responsible for enforcing law and order across the country, and the APF provides back-up support. Police did not respond to most incidents of violence, particularly events involving Maoists and armed groups in the Terai. There were multiple incidents in which police detained persons for illegal acts, but political leaders sometimes pressured the NP to release detainees.

The NP, APF, and NA have human rights cells to investigate cases of abuse, although they tend to limit their activities to training and capacity building rather than investigating cases; corruption and impunity remained problems. The NP is generally unarmed and has the role of preventing and investigating nonterrorist criminal behavior.

At the district level, the NP often operated without significant guidance from superiors, allowing considerable discretion in the enforcement of laws. There continued to be many reports of police abuse and bribery. The NP, APF, and NA have mechanisms for investigating abuses by security forces; however, the investigations are internal and not fully transparent.

Arrest Procedure and Treatment While in Detention—The law stipulates that, except in cases involving suspected security and narcotics violations, authorities must obtain a warrant for arrest and arraign or release a suspect within 24 hours of arrest. There were still instances in which detainees were kept in illegal detention for several days after their arrest.

If the court upholds a detention, the law authorizes police to hold the suspect for up to 25 days to complete an investigation, with a possible extension of seven days, although security forces occasionally held prisoners for longer periods. 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. The interim constitution provides for access to a state-appointed lawyer or one of the detainee's choice even if charges have not been filed; however, few detainees could afford their own lawyer.

Detainees have the legal right to receive visits by family members. In practice, however, family access to prisoners 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. Time served is credited to a prisoner's sentence.

Under the Public Security Act (PSA), security forces may detain persons who allegedly threaten 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 as long as 12 months without charging them with a crime, as long as the detention complies with PSA procedural requirements. The court does not have any substantive legal role in preventative detentions under the PSA.

Other laws, including the Public Offenses Act, permit detention without charge for as long as 25 days. This act covers crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO. Police frequently arrested citizens under this act 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 limit, allegedly to allow injuries from mistreatment by police to heal.

NGOs expressed concern about police use of private houses to hold detainees after arrest.

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 showed independence and impartiality in many cases, although 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 has jurisdiction over corruption, but other cases are heard by the district court.

Delays in the administration of justice were a severe problem. As of December 15, the Supreme Court reported a backlog of 10,023 cases. There was no indication that this backlog lessened during the year.

Trial Procedures.—Although 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 applied equally, except in a few security and customs cases. Defendants enjoy the presumption of innocence except in some cases, like human trafficking and drug trafficking, where the burden of proof is on the defendant. 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. Persons who are unaware of their rights may be deprived of legal representation. Defense lawyers may cross examine accusers. By law they are entitled to have access to government-held evidence, but it was very difficult to obtain this access.

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. The NA has argued that military personnel are immune from prosecution in civilian courts for conflict-era violations, an interpretation of law that is not shared by the human rights community and inconsistent with Supreme Court decisions. Military courts cannot try civilians for crimes, even if the crimes involve the military services; civilian courts handle these cases.

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 2007, according to police and NGO reporting, they continued to function in some districts, particularly in rural areas. 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, these courts did not provide minimum guarantees of due process and fair trials.

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

Civil Judicial Procedures and Remedies.—During the year there were some allegations of government abuses of civil procedures, including bribery and intimidation by political leaders.

Property Restitution.—The Maoists returned some previously seized property as the CPA requires but kept other illegally seized lands and properties in their possession; they also seized additional properties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows police forces to conduct searches and seizures without a warrant if there is probable cause that a crime has been committed. In that case, a search may be conducted as long as two or more persons of “good character” are present. If an officer has reasonable cause to believe that a suspect may have material evidence present, then the officer must submit a written request to another police office, and there must be another official present who is at least at the rank of assistant subinspector when searching a person or place.

Security personnel frequently conducted vehicle and body searches at roadblocks in many areas of the country.

On February 25, the Supreme Court ordered the Government and private sector to end discriminatory maternity leave restrictions against mothers on the basis of number of children.

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.

The YCL occasionally conducted illegal forced searches of businesses, civilian homes, and property. On January 22, YCL members raided a hotel in Chitwan and turned over to police 13 couples they believed to be involved in “illicit” activities there. The police later released the couples, and the CDO called the YCL’s actions “condemnable.”

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—There was continuing conflict in the Terai. Numerous armed groups, many ethnically based, clashed with each other and with the local population. Police were unable fully to promote law and order. Members of the Maoists, the Maoist-affiliated YCL, and other ethnically based splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

On February 6, an IED exploded in front of the district court in Janakpur, Dhanusha District, and on February 7, two IEDs exploded in Birgunj, Parsa District. Another IED, discovered near a temple in Janakpur, was defused by a bomb disposal team from the NA. On March 28, an IED exploded at the UCPN-M party office in Nepalgunj, Banke District, injuring three persons, including a child.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), VDC secretaries from various parts of the country resigned, citing insecurity after receiving threats from the underground group SJMM. The SJMM demanded the resignation of the secretaries, stating that it would establish a parallel administration in villages. Since January, 1,239 VDC secretaries in 23 districts received threats; as a result, 514 VDC secretaries in 11 districts reportedly resigned. Local administration officials stated that secretaries would be requested to withdraw their resignation after consultations with political parties and others concerned.

Killings.—On June 26, Kashinath Tiwari, the chairman of Hindu Yuva Sangh, was killed in Birgunj. A complaint was lodged against seven UCPN-M activists. However, the Maoists in the district denied their involvement in the incident.

On July 9, a group of unidentified persons killed Chhabi Lal Karki, district leader of the UML from Okhaldhunga. The UML accused the Maoists of the killing. On August 20, a joint report prepared by Campaign for Human Rights and Social Transformation Nepal and Joint Forum for Human Rights concluded the murder was motivated by politics and family rivalries.

There were no developments in the 2007 killing of Ram Babu Sharma Neupane by cadres of the Janatantrik Terai Mukti Morcha-Goit faction.

Child Soldiers.—The 2006 Agreement on the Monitoring of the Management of Arms and Armies forbids the use of children younger than 18 as soldiers in the armies of either side. In addition the Maoists agreed to release Maoist army personnel who were found to be child soldiers during the verification process. On January 7, the Maoist army started the official discharge of the 2,973 child soldiers that were in the Maoist army cantonments. The discharge process was completed on February 9. During the year the OHCHR and UN Children's Fund monitored the former child soldiers to ensure that Maoist militant groups did not recruit them again or attempt to recruit new child soldiers.

Other Conflict-Related Abuses.—Maoists and Maoist-affiliated organizations continued to commit abuses during the year in contravention of the CPA. Maoists regularly extorted money from businesses, workers, private citizens, and NGOs. When individuals or companies refused or were unable to pay, Maoists retaliated violently or threatened violence.

Maoists attacked political opponents on several occasions. On May 6, according to the OHCHR, YCL members allegedly attacked the president of the Nepal Teachers' Union and member of political party the Nepali Congress (NC), Rup Narayan Jabege, in Panchthar District. While he took refuge in the district headquarters, the armed group reportedly vandalized his house, assaulted him with a knife, and shot at him. The group left when villagers gathered to protest. On May 7, approximately 100 to 150 NC members surrounded the houses of the YCL cadres who were allegedly involved and vandalized one of the houses.

There were no developments in the May 2009 case in which a group of 27 YCL cadres allegedly attacked the NC's Kalikot district president, Mukti Prasad Neupane.

In preparation for its May protests, the UCPN-M increased its collection of funds from local residents and provided combat training to its cadres in Dang and Baglung districts. YCL members in Dang District trained using lathis (sticks) and khukuris (knives). The OHCHR received information that in several instances UCPN-M cadres forced people to make monetary contributions before, during, and after the nationwide May protests. Throughout the protest there were reports that Maoists vandalized and destroyed property, including shops and other businesses, that did not comply with Maoist orders to remain closed. The threat of violence by protesters armed with sticks intimidated many to make "donations." On May 10 and 12, UCPN-M cadres in Megu and Achham districts forced local teachers and businessmen to pay money to the party, while in Surkhet District, Maoists solicited "support" from VDC secretaries and government staff.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government's failure to effectively enforce the law undermined such freedoms. In one case, police beat journalists.

Citizens often voice critical opinions in the media via letters to the editor and by posting comments on Web sites. Generally, citizens felt they could voice their opinions freely. The Home Ministry's efforts to block Internet sites considered obscene were met with mixed reactions from the public and raised concerns about freedom of expression among some members of the press and free speech advocates (see Internet Freedom).

On March 21, in the southern Nepali town of Janakpur, police beat 13 journalists reporting on demonstrations by local residents demanding action against a police officer for raping a newlywed bride (see section 6, women). Three journalists were seriously injured and had to be brought to Kathmandu for treatment. The police hit the journalists with the butt of their guns and kicked them, according to the Federation of Nepali Journalists (FNJ). The FNJ organized rallies in Janakpur and Kathmandu on March 22 and 23 to protest the police action.

The interim constitution protects media licenses from revocation based on the content of what is printed or broadcast. The Government owned two television stations, Nepal TV and Nepal TV Metro, and controlled one radio station that broadcast both

AM and FM signals. Radio remained the primary source of information, with more than 150 independent radio stations reaching more than 90 percent of the population.

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.

Foreign publications were widely available, and none were banned or censored during the year. Foreign print media were present, and reporting on the country was allowed without restrictions.

Armed groups, criminals, and political parties deliberately targeted media owners and journalists throughout the country, killing three media owners and attacking or threatening more than 50 others. Three media owners were killed within a period of six months, from February to July. Armed groups and persons claiming to be members of political parties attacked journalists and printing presses. There were frequent reports that Maoist protesters threatened and attacked journalists during the nationwide protests in May. The Government promised action against those targeting journalists; however, it failed to identify and punish the perpetrators. This impunity encouraged others to resort to threats of violence to silence critics in the media.

On February 7, unknown gunmen shot and killed Jamin Shah, the chairman of a popular news and current affairs channel and the largest cable operator in the country, Space Time Network.

On March 1, Arun Singhaniya, the chairperson of Janakpur Today Publications, was shot and killed in Janakpur, Dhanusha District. Two armed groups—the Terai Janatantrik Party (Madesh) and the Janatantrik Terai Mukti Morcha—claimed responsibility for the killing. A FIR was registered by the police, and the case remained under investigation at year's end.

Excessive force was often used against journalists. For example, on May 18, employees of Unity Life International (ULI), a large-scale, illegal business network, beat up reporters of Kantipur Television, Rajanish Bhandari, and Bikash Adhikary as they were reporting the police crackdown on the offices of ULI. Police arrested three persons in connection with the assault, but the case had not been prosecuted as of year's end.

On June 30, a journalist was abducted by an unidentified group in Pyuthan District, reportedly for criticizing a political party's activities. He was released on July 1, but no arrests were made in the case.

On July 22, an unidentified group of five men in the midwestern Dang District killed the chairperson of Tulsipur Radio, Devi Prasad Dhital (also known as Hemraj). The authorities were not able to identify or arrest the perpetrators.

On July 26, in Bhaktapur, former king Gyanendra Shah's security personnel physically assaulted journalists and destroyed camera equipment after they asked the former king political questions.

The Maoists also influenced media outlets through their powerful trade unions. In the Terai and the eastern hills, armed groups coerced journalists, resulting in self-censorship and fear for personal safety. Armed groups and political parties burned copies of newspapers that they found objectionable.

Numerous armed groups in Terai and three armed ethnic groups in the hills—the Kirati Janawadi Workers' Party, the Unified Limbuwan State Council, and Khumbuwan—extorted money from journalists, according to the FNJ, although victims did not report these cases due to concerns for their personal safety.

On January 22, in Kathmandu, a group of masked men entered the apartment of Yashoda Timsina, a journalist who reportedly was investigating the killing of Uma Singh. When they determined Timsina was not at home, they threatened her housekeeper. Timsina decided not to pursue this matter further.

On April 9, Madhesi Janadhikar Forum cadres torched copies of Kantipur, Nagarik, and Naya Patrika dailies in the southern Nepali town of Birgunj. They accused the newspapers of not properly highlighting their two-day Terai strike.

On May 9, Maoists attacked photojournalist Prabin Maharjan in Kathmandu and harassed several media representatives who were covering a Maoist protest program in front of Singha Durbar, the Government complex where the prime minister's office and most ministries are located. Maharjan received 13 stitches for skull injuries. Similarly, Maoist cadres harassed Shruti Niroula, a reporter for Sagarmatha Radio, for an hour. Maoists also attacked Rabindra Shrestha, a reporter for Avenues Television, hitting him with metal rods and sticks, and destroyed his camera.

On May 28, UCPN-M cadres torched copies of Nagarik and Republica, reportedly over prior unfavorable reporting. Maoist cadres later called local journalists to take responsibility for the torching. On May 29, Maoists cadres in the southern Terai dis-

trict of Chitwan set fire to a van along with 9,500 copies of the same two dailies, allegedly over the same matter.

There were no further developments in the January 2009 killing of Uma Singh, a female journalist who reported on women's rights and against the caste system for Janakpur Today Radio, an FM radio station. The Government also failed to produce any significant leads in two other 2009 attacks against female journalists Manika Jha and Tika Bista.

The country limited freedom of expression for the Tibetan community.

On February 14, police seized Tibetan flags from Tibetans and did not allow them to wear T-shirts displaying the flags during a candlelight program in Kathmandu, according to reports received by the OHCHR.

Internet Freedom.—There were some government restrictions on access to the Internet but 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, although the Home Ministry's threat to use the Electronic Transmission Act to prosecute violators of its antiobscenity decrees further raised concerns about Internet censorship. As of June approximately 625,800, or 2.2 percent of the population, used the Internet.

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 armed groups.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of 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, despite some restrictions. The law authorizes CDOs to impose curfews if there is a possibility that demonstrations or riots may disturb the peace.

According to the OHCHR, the NP and APF occasionally responded to provocations and protests with excessive and lethal force. For example, on March 31, according to the OHCHR, police injured nine members of Women Security Pressure Group (WSPG) during a clash in Chitwan District when the group tried to organize a protest on the highway. Police arrested 10 WSPG members but released them without charges the same evening.

In May the Maoist party held a nearly week-long nationwide strike during which Maoist protesters blocked roads, limited vehicular movement, and forced businesses to remain closed during much of the day. Although the Government allowed the protests, there were some confrontations between business owners, private citizens, and protesters. Security forces largely stayed away from the protesters.

The country limited freedom of assembly for the Tibetan community.

On March 9 and 10, the NP and APF arrested 28 Tibetans who staged protests to mark the 51st anniversary of the Tibetan uprising against the Chinese in Tibet. On July 6, police set up checkpoints at different locations, stopping members of the Tibetan community and other vehicles heading toward the birthday celebrations of the Dalai Lama in Kathmandu. More than 100 persons reportedly were detained at the Lalitpur District Police Office. On October 3, the Government seized ballot boxes from at least three locations in Kathmandu during an election held by the Central Tibet Administration; at year's end, the Government continued to hold the boxes.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. Constraints on refugee movements were enforced unevenly and more often against the Tibetan than the Bhutanese refugee population. The Government did not always cooperate 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. In contrast to 2009, the Government detained some newly arrived Tibetans, rather than releasing them to the UNHCR.

Numerous political groups restricted freedom of movement within the country, including forcing transportation strikes, known locally as "bandhs," to bring attention to political issues. Ethnic groups in the Terai called most bandhs.

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 voluntary return in safety and dignity of IDPs to their homes following the 10-year civil war, in practice the agreement was not implemented. Several UN agencies, including the UNHCR, the OHCHR, and the UN Development Program, continued working with the Government to develop an IDP policy consistent with international principles. Civil society and international organizations estimated there were as many as 70,000 IDPs in the country. The Ministry of Peace and Reconstruction estimated that 78,689 people were displaced from 1996 to 2006. Unrest in the Terai region led to more displacement during the year.

The Government allowed several international organizations, such as the Norwegian Refugee Council, the ICRC, Caritas, International Relief and Development, and Action Aid Nepal to initiate programs to assist IDPs. Middle- and lower-caste IDPs faced severe problems in obtaining adequate shelter and food. According to UN agencies and international NGOs, the main obstacles preventing most IDPs from returning to their homes continued to be fear of Maoist reprisal, local Maoist commanders' noncompliance, and conflict with those occupying the houses and lands of the IDPs. According to the Nepal IDP Working Group, most of the IDPs in the country were unwilling to return to their homes, due not only to a lack of security but also to economic concerns, primarily involving property, housing, and employment opportunities.

Children of people who were killed or displaced during the conflict were often unable to access government benefits because they were unable to register with local authorities because of fear of retribution by Maoists or inability to confirm the death of a family member who disappeared during the conflict. According to Caritas, the Government made little effort to aid or monitor the movement of postconflict IDPs.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees, and federal laws do not provide for the granting of asylum or refugee status. The Government has in place ad hoc administrative directives that provide some protection for Bhutanese and Tibetan refugees.

The Government officially restricted freedom of movement and work for the approximately 75,000 Bhutanese refugees living in the country during the year, but those restrictions were largely unenforced for this population. In 2007 the Government agreed to permit third-country resettlement for Bhutanese refugees. Since resettlement began, more than 40,000 Bhutanese refugees have been resettled.

Tibetans who arrived in the country after 1989 are not recognized as refugees. Consequently, most Tibetans who arrived since then have transited to India, although an unknown number of such Tibetans remained in Nepal or returned to the country after visiting India. After the People's Republic of China heightened security along its border and increased restrictions on internal freedom of movement in 2008, the number of Tibetans who transited the country dropped significantly. On May 11, the Government notified the UNHCR that it would refuse to issue exit permits to new arrivals until the Department of Immigration conducted a full investigation into individual cases. Following negotiations with the UNHCR, the Government resumed issuing exit permits.

There continued to be reports of harassment by Chinese officials within Nepal's borders, including a credible report that Chinese police crossed the border into Nepal on August 3 or 4 and arrested three Tibetan persons. There were instances in which local police assisted and protected Tibetans who were found along the border region; however, there were other reports of newly arrived Tibetans who were pushed back to the border and/or were detained and charged for illegal entry into Nepal. In early June, there was an incident in which seven Tibetans, including four minors, hid in the woods to evade Chinese police searching for them inside Nepal.

In practice the Government did not provide full protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In June there was a confirmed forcible return of three Tibetans, the first since 2003. According to reports received by the UNHCR, two of the three Tibetans forcibly returned to China are now in prison.

Many of the Tibetans who live in the country did not have legal resident status. Many who arrived after 1990, and their Nepal-born children, were without legal status and had no documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country, and the Nepal-born children of Tibetans with legal status often lacked documentation. Tibetan refugees had

no entitlement to obtain access to higher education, business ownership or licenses, or legal transactions, including documentation of births, marriages, and deaths, although bribery often made these possible.

There were numerous reports that police and other local officials harassed Tibetans engaged in daily activities. Police reportedly conducted random checks of identity documents of Tibetans, including monks. These checks sometimes included threats of deportation, followed by requests for bribes. On February 17, 13 Tibetan youths were arrested in Thamel while they were celebrating the Lhosar festival. In April nine Tibetans were charged and sentenced to long-term detention for entering the country illegally. On October 29, a local NGO reported that members of the Tibetan community were prevented from participating in a religious celebration held at Namgyal Middle School in Swoyambhu. Five Tibetans were arrested on November 11 in Boudha. Police claimed the arrests were prompted by reports that the Tibetans were planning to protest outside the Chinese Embassy.

The country also hosted approximately 250 refugees from other countries, including Somalia, Burma, and Pakistan. The Government continued to deny these groups recognition as refugees and required prohibitive fines to obtain permission to exit. However, the Government permitted the waiver of the fines in a few instances in which there were compelling humanitarian concerns. The Government also allowed the UNHCR to provide some services for these refugees. These refugees did not have legal access to education or the right to work.

Stateless Persons—In 1995 the Government-established Dhanapati Commission estimated that 3.4 million individuals in the country were de facto stateless. Although the Government acknowledged that these individuals were Nepalis, they did not hold the citizenship certificate (issued to citizens at the age of 16 if born to a Nepali parent) needed to obtain many rights of citizenship (see section 6, women and children). Although the 2006 Citizenship Act allowed more than 2.6 million persons to receive certificates, NGOs estimated that approximately 800,000 de facto stateless persons remained in the country. There was no further progress during the year on this issue.

Nepal employs discriminatory gender laws that prevent women married to foreign men from transmitting citizenship to their spouse. According to the law, citizenship is conferred to children if either the mother or father is a citizen. Despite the law, in practice local officials have generally refused to issue citizenship documents to children on the basis of their mother's citizenship certificate alone. The issue of citizenship rights was under review in the Constituent Assembly during the year.

Stateless persons did not experience violence; however, they did experience discrimination in employment, education, housing, health services, marriage, birth registration, access to courts/judicial procedures, and land or property ownership.

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

The law provides citizens the right to change their government peacefully. Domestic and international observers generally characterized the 2008 election results as credible, although there were reports of political violence, intimidation, and voting irregularities.

Elections and Political Participation.—In 2008 citizens elected members for the Constituent Assembly (CA) to serve as both a legislature and constitution drafting body. Domestic and international observers found the election results 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.

Political parties generally operated without restriction or outside interference, although there were some allegations that activists from the UCPN-M do not allow other political parties to organize and campaign freely in certain districts.

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. There are 195 women out of a total of 596 currently serving as members of the CA. Of the 44-member cabinet, seven members were from ethnic minority communities, five were

women, and four were Dalits. Most of the larger political parties had associated youth wings, trade unions, and social organizations.

Section 4. Official Corruption and Government 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 (CIAA), 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. Most civil society organizations believed the CIAA was not an effective commission. Public officials are subject to financial disclosure laws; however, according to the National Vigilance Center (NVC), 77 CA members and 34,000 civil servants have not submitted their property details as required by law. The law requires civil servants to submit their property details within 60 days of the end of each fiscal year. Those who do not may face a fine of up to 5,000 rupees (\$69).

There were numerous reports of corruption by ministers and CA members. For example, on April 21, the CIAA directed the Nepal Investment Bank to freeze the account of the financial relief fund being operated by the minister of women, children, and social welfare, Sarvadev Ojha, after suspecting malfeasance. According to the CIAA, Ojha had been depositing amounts received from foreign donors and also using the account according to his discretion without approval from the ministry or the CA. The CIAA asked Ojha to submit an explanation; as of year's end, there was no response. There were reports that the CIAA secretary faced political pressure not to prosecute ministers.

On August 31, the CIAA arrested CA member Dol Bahadur Karki and his accomplice, Brahmananda Udaseen, after Karki allegedly received a 100,000 rupee (\$1,384) bribe to help a man get appointed to the NP. A special court remanded Karki to temporary custody to investigate the charges, and a court hearing was set for January 2011.

On July 15, the Supreme Court stayed the Government's attempt to withdraw pending criminal cases due to the Government's failure to provide sufficient reason to justify the withdrawals. Almost two dozen accused persons were affected by the decision. All the cases were forwarded to the district attorneys' offices for evaluation of the individual cases' merits and were pending at year's end.

In December the UN expressed concern about the effectiveness of the NP unit in Darfur, since the unit was unable to use its armored personnel carriers (APCs). A Parliamentary Investigation Committee report stated that a lack of transparency, including possible embezzlement, during the procurement process resulted in the procurement of nonfunctional APCs.

Corruption and impunity remained problems within the NP. According to international observers, there was a severe shortage of senior-level officers. At the district level, this shortage resulted in untrained constables making policies and decisions outside of their authority and without supervision, creating space for bribery, corruption, misinterpretation, and abuse of authority.

In 2007 the interim parliament passed the Right to Information Law, which mandated that public organizations provide citizens with information as quickly as possible and respond within 15 days. In practice the Government generally met this requirement. If authorities deny individuals access to information, officials must provide a valid explanation. The law 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 disruption of communal harmony, or to prevent disruption to personal life or security.

Section 5. 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 somewhat cooperative and responsive to their views.

Many independent domestic human rights NGOs operated in the country. 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, and ethnic minorities.

According to OCHA, there were occasional credible claims that Maoists interfered with the operations of international NGOs.

On June 26, Agni Sapkota, a senior Maoist leader, was denied participation in a leadership training program due to serious and specific human rights allegations as-

sociated with his conduct during the insurgency. The UCPN-M party publicly castigated some lawyers and human rights defenders for their possible role in informing the decision to exclude Sapkota. Members of the Maoist party made threats against specific human rights defenders. On July 16, the OHCHR released a press statement that stressed the importance of respecting the professional freedoms of lawyers and human rights defenders.

The Government welcomed and regularly granted visas to international NGOs and other human rights monitors, including members of Amnesty International and Human Rights Watch. Authorities generally gave international observers access to barracks and places of detention. International observers were not granted access to courts martial and military investigations.

As set out in the 2006 CPA, the OHCHR continued its work with the Government to formulate and implement policies and programs for the promotion and protection of human rights. The OHCHR's mandate was extended until June 2011, although the Government required the OHCHR to close all its regional offices.

During the year the OHCHR issued 28 press releases. The media covered all reports freely.

The NHRC investigates 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 488 complaints of human rights violations from July 2009 to June 2010. The NHRC also investigated the illegal detention and arrest of acquitted persons and reported that it had open access to government detainees across the country.

The NHRC stated that the Government had helped promote impunity in the nation by not implementing its recommendations. Of 386 recommendations the NHRC made during the previous 10 years, the Government implemented 34 fully and 138 partially. The Government had not acted on 214 recommendations at year's end.

Section 6. 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 vary between five and 12 years, depending on the female victim's age. The sentencing provisions also mandate five years' additional imprisonment in the case of gang rape or rape of pregnant women or women with disabilities. The victim's compensation depends on the degree of mental and physical torture. Under the law, the definition of rape includes marital rape, and the husband can be jailed for three to six months. Most incidents of rape went unreported, although in those rape cases reported, the police and the courts were responsive. During fiscal year 2009-10, 376 cases of rape and 101 cases of attempted rape were filed in the court, according to the Women's Police Cell, a special unit of the NP that investigates crimes against women.

On March 20, a police subinspector allegedly raped an 18-year-old Indian woman in the railway police station in Janakpur, Dhanusha District. Large crowds clashed with police after hearing the news of the rape, and more than 280 persons were injured (see section 2.a.). The victim of the rape filed a FIR with the Dhanusha DPO, and the subinspector was initially suspended but was later cleared of the charges because the victim failed to appear before the court. According to the Women's Police Cell, the medical report did not provide any evidence in support of the case.

On June 10, a group of five persons allegedly accosted a 52-year-old woman outside the Vishwa Hindu Mahasangh (VHM) office in the capital, dragged her to the fourth floor of the office building, and raped her. Police arrested and planned to charge the 70-year-old caretaker of the VHM office and others involved with rape. Two men were jailed, and three others were released on bail. As of year's end, the case had not come to trial.

In September 2009 police interrogated a 14-year-old rape victim in front of a large crowd outside the Sunsari Police Station in Dharan. One of the alleged rapists was a police officer who offered the family 30,000 rupees (\$415) to withdraw the case against him. According to district police, the case was dismissed.

Domestic violence against women remained a serious problem; while few cases were reported, there was much anecdotal evidence that physical and verbal abuse was common. However, during the year the Government passed regulations to implement the Domestic Violence Act (2009) and in November endorsed a national action plan for the implementation of UN Security Council Resolutions 1325 and 1820,

which address issues of women in conflict, peace, and security and gender-based violence.

Educational programs by NGOs for police, politicians, and the general public aimed to promote greater awareness of domestic violence. Police claimed to have women's cells in all of the country's 75 districts, although this claim could not be confirmed. Female officers in the cells received special training in dealing with victims of domestic violence and trafficking. Police directives instruct all officers to treat domestic violence as a criminal offense, but the directives were difficult to enforce because of entrenched discriminatory attitudes among police. Even if police made arrests, often neither the victim nor the Government pursued prosecution. Shelters are provided in all districts, and usually not inside the police station. There are toll-free hotlines for various services.

The law imposes a fine of 3,000 to 25,000 rupees (\$41 to \$346), six months' imprisonment, or both on persons who commit domestic violence. Repeat offenders receive twice the punishment. Any person holding a position of public responsibility is subject to 10 percent greater punishment than is a person who does not hold such a position. Anyone who does not follow a court order is subject to a fine of 2,000 to 15,000 rupees (\$28 to \$208), four months' imprisonment, or both.

A reliable study published in March found that suicide was the leading cause of death among women of reproductive age (between the ages of 15 to 49). Analysts suggested that family issues, including domestic mental and physical abuse, were key factors in the high suicide rate among women.

Although the law prohibits polygamy, it persisted. Polygamists are subject to a two-month prison term and fine, but the second marriage is not invalidated. Violence surrounding polygamy remained a problem.

The dowry tradition was strong in the Terai districts bordering India, and there were sporadic incidences of bride killing over dowry disputes. More often, husbands or in-laws seeking additional dowry physically abused wives or forced women to leave so the men could remarry.

In April 2009 Bishnu Bhatta of Daiji Champapur was arrested for severely beating his daughter-in-law, Laxmi Devi Bhatta, for not providing sufficient dowry. As of year's end, there was no additional information available about the case.

Traditional beliefs about witchcraft negatively affected elderly rural women and widows. Shamans or other local authority figures publicly beat and physically abused alleged witches as part of an exorcism ceremony. The media and NGOs reported numerous cases of this violence during the year. For example, on July 12, a couple was killed in Satbariya, Dang District, after a local faith healer branded them witches. Police arrested three persons, including the faith healers, in connection with the killing. Similar incidents occurred in other parts of the country. There was no government mechanism to prevent such abuses or to provide compensation to the abused.

There were no significant developments in the March 2009 case in which residents of Pyutar village in Lalitpur District accused Kalli Biswokarma of practicing witchcraft, alleging that she cast evil spells on a teacher who had fallen ill. Villagers forcibly took Biswokarma from her home, physically abused her, and forced her to eat human feces until she confessed. Members from civil society organizations successfully rescued Biswokarma and her family from the village, although villagers protested and attempted to resist the rescue. Efforts by the chief district police officer and superintendent of police failed to result in any arrests by year's end; however, a working committee of civil society and human rights organizations was formed to help the victim. Maiti Nepal, an NGO that does anti-human trafficking work, provided shelter to the victim and her family who later returned to their village.

There were no developments in the July 2009 case in which villagers in Tengar beat and forced Patambari Devi Das to eat human excrement because they believed her to be a witch. According to traditional beliefs, witches lose their power after this treatment.

An estimated 7,500 women from the country were forced into commercial sexual exploitation in other countries and increasingly within the country.

The law contains a provision against sexual harassment, the maximum penalty for which is a one-year prison sentence and a fine of 10,000 rupees (\$138). Government enforcement was weak. Sexual harassment was a problem, but lack of awareness as to what constitutes sexual harassment caused victims to not report most incidents.

Couples and individuals generally may decide freely the number, spacing, and timing of their children and were not subject to discrimination, coercion, or violence regarding these choices. Contraception was available to both men and women, and 45 percent of married women used a modern contraceptive method. According to a

reliable health survey published in March, 55 percent of married women had an unmet need for family planning. Forty-eight percent of mothers received antenatal care from a doctor, nurse, or midwife. Most births (73 percent) were at home, and approximately 70 percent of mothers received no postnatal care. According to a survey of eight districts from mid-2008 to mid-2009, the maternal mortality rate was 229 deaths per 100,000 live births.

Uterine prolapse, which occurs when a woman's uterus falls into the vaginal canal, is thought to affect roughly 10 percent of all women of reproductive age. Studies by the Women's Reproductive Rights Program, a domestic women's advocacy group, suggest that the high prevalence of this problem is due to medical, social, and economic pressures that affect women in the country and amount to serious and systematic abuse, including poor birthing practices, early marriage, pressure to return to work soon after giving birth, domestic violence, and other traditional practices, including the practice of women "portering" bricks and stones in baskets on their backs. Many women with uterine prolapse were abandoned by their husbands or physically abused, especially among the Muslim community in Terai.

Men and women generally were diagnosed and treated equally for sexually transmitted infections (STIs), including HIV. According to a 2009 survey by the National Center for AIDS and STI Control, 63,528 persons tested positive for HIV. The total included females in prostitution (605), "low risk" (nondrug user and nonsex worker) women (16,800), labor migrants (17,653), and "low risk" males (15,697).

Although the law provides protections for women, including equal pay for equal work, the Government did not implement those provisions, even in many state industries.

Women faced systemic 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 one's own name.

According to the law, citizenship is automatically conferred through either Nepali parent (see section 6, children). In practice, however, government officials often refused to grant citizenship documents based on the mother's citizenship if a father's identity was unknown or when he was a foreign national.

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.

Despite the 2006 Gender Equality Act, discriminatory provisions remain in the law. According to INSEC, 62 laws have discriminatory provisions against women. For example, the law on property rights favors men in its provisions for land tenancy and the division of family property. The Foreign Employment Act requires a woman to get permission from the Government and her guardian before seeking work through a foreign employment agency. The law encourages bigamy by allowing men to remarry without divorcing the first wife if she becomes incapacitated or infertile.

According to the UN Committee on the Elimination of Discrimination against Women, there are limitations to women's access to fixed property and credits.

According to the Nepal Labor Force Survey 2008, the female literacy rate was 43 percent, compared with 71 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.—According to the 2006 Nepal Citizenship Act, citizenship is derived from one of the parents with Nepali nationality. Despite the Supreme Court's 2009 decision that the right to choose whether to seek citizenship through one's father or mother rests on the applicant, many were still denied citizenship due to lack of access to local authorities or lack of awareness of the law by applicants or government officials. This has led to problems in attaining citizenship and difficulty in school admissions. Children living without parents, such as street children whose parents' whereabouts are not known, faced many hurdles, although children in institutional care can attain citizenship with the guardianship of their respective institutions. Children found within the borders of the country without parental identity are considered citizens on the basis of lineage until the parents of the child are identified (see section 2.d., stateless persons.). According to a fiscal year 2009-10 economic survey by the Ministry of Finance, approximately 20 percent of births were registered.

Although the law provides for the welfare and education of children, its implementation was uneven. Education was not compulsory. Government policy provided

free primary education for all children between the ages of six and 12, although in a majority of cases students have some costs for examinations and they must buy uniforms themselves. Approximately 70 to 75 percent of boys who worked went to school, compared to 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. The Government reported that 91.9 percent of school-age children were attending public schools but that girls were the majority of those deprived of basic education. A reported 1,058 legally registered madrassas functioned throughout the country.

The Government provided basic health care free to children and adults, but government clinics were inaccessible for a majority of the population and often poorly equipped, with serious deficiencies in facilities and medical supplies. Although access to medical services was available on an equal basis, prevalent parental discrimination against girls often resulted in parents giving priority to their boys when seeking medical services.

Violence against children was widespread, though rarely prosecuted. The Government established some mechanisms to respond to child abuse and violence against children, such as the Central Child Welfare Board, which has chapters in all 75 districts.

The law forbids discrimination based on gender; however, in practice there was considerable discrimination against girls.

The law prohibits marriage for girls before the age of 18; however, families in many parts of the country sometimes forced their young children to marry. In some areas in the eastern part of the country, many young girls were married off to escape large dowry payments, which increase with the age of the girl. Social, economic, and religious values promoted the practice of child marriages. 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 a cause of domestic violence. The incidence of child marriage did not significantly increase during the year.

Commercial sexual exploitation of children remained a serious problem. There were reports of boys and girls living on the streets who survived through prostitution and of underage girls employed in dance bars, massage parlors, and cabin restaurants. Prostitution rings that brought underage girls from villages to work in brothels in urban areas were often sustained by complicit public officials. The minimum age for consensual sex is 16 years, and the penalties for rape vary according to age of the victim and relation. Conviction for rape can result in six to 10 years' imprisonment if the victim is under 14 years of age, or three to five years' imprisonment if the woman is 14 or older. Attempted rape may be punished with half the sentence of a convicted rapist.

Child pornography is against the law. However, ambiguous interpretation of the law made it difficult to prosecute pornographers. Children's rights advocates considered the penalty for such offenses—a fine of up to 10,000 rupees (\$138), imprisonment for up to one year, or both—inadequate as a deterrent.

Internal displacement due to the decade-long Maoist conflict continued to be a problem, with estimates of the number displaced ranging widely (see section 1.g., child soldiers). As IDPs, children experienced poor social reintegration, with inadequate access to food, shelter, and health care, and limited access to education. Security forces often abused and arrested street children in order to "clean up" the streets.

According to CWIN, 223 boys and 87 girls were reported missing. Many of the missing children were presumed to have been trafficked. Of the 174 missing children, police records indicated that 104 boys and 70 girls were later found. Cases of "abandoned" children put up for adoption by orphanages despite lack of verifiable parental consent raised concerns of fraud. Information regarding how children arrived at orphanages was consistently inadequate, and documents presented to establish that a child was found abandoned were unreliable.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

Persons With Disabilities.—The interim constitution does not address the rights of persons with disabilities. The Government's inability to enforce laws and regula-

tions has limited the effectiveness of efforts to improve rights and benefits for persons with disabilities.

According to Handicap International, persons with physical and mental disabilities faced discrimination 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 Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities; the Ministry of Education provides scholarships for children with disabilities; and the Ministry of Local Development was responsible for allocating 5 percent of the budget of local development agencies for disability programs. 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 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 in the country who 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 ethnic minorities, 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 disadvantaged castes. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions and to control a disproportionate share of natural resources.

Caste-based discrimination is illegal; however, Dalits occasionally were barred from entering temples and sharing water sources. Progress in reducing discrimination was more successful in urban areas.

In March a group of persons in Darchula District physically mistreated a Dalit man because of his caste. After filing a complaint of caste-based discrimination at the DPO, the court issued its first-ever verdict in a caste-based discrimination case and imposed a fine of 2,000 rupees (\$28) against the main perpetrator.

On June 21, 12 villagers in Kailali District beat a Dalit woman and forced her and her daughters to leave the village. The Dalit woman, who is a human rights defender, filed an FIR under the Public Offenses Act. The National Women’s Commission investigated the case, and a fact-finding mission report was made public.

In a March court ruling in Baitadi District, a man was fined and sentenced to two years’ imprisonment for a caste-based discrimination offense in July 2009; he did not serve the sentence and was believed to have fled the country.

Resistance to intercaste marriage (upper and lower caste) remained high and in some cases resulted in forced expulsion from the community. Dalits who participated in wedding ceremonies traditionally reserved for non-Dalits, such as riding a horse, were sometimes assaulted; however, the courts have shown a willingness to prosecute such cases of discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexual persons. According to Blue Diamond Society, a local NGO, harassment of such persons was common by both government and citizens.

On August 17, the Government granted permission for the first gay pride parade in the country during the Gai Jatra Festival.

In a series of rulings in 2007 and 2008, the Supreme Court directed the Government to enact laws to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons’ fundamental rights, enable third-gender citizenship, and amend all laws that are sexually discriminatory. Nevertheless, many mainstream political parties included pro-LGBTI legislation in their party manifestos, and LGBTI activists continued to press for protections for sexual minorities in the new constitution.

In May the Supreme Court dismissed an appeal by Sergeant Bhakti Shah, who had been fired by the NA for being a lesbian while serving as an instructor at the military academy in 2007.

NGOs working on LGBTI issues reported that police harassment of sexual minorities occurred in rural areas of the country, especially in the Terai.

Other Societal Violence or Discrimination.—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. Discrimination against women infected with HIV/AIDS was greater than for men, even though men who traveled to other countries for work were at higher risk of contracting the disease and spreading it to their wives.

Section 7. Worker Rights

a. The Right of Association.—The law grants workers, including noncitizens, the freedom to establish and join unions and associations, but the Government protected these rights unevenly in practice. The law permits the prohibiting of unions only in cases of subversion, sedition, or similar conditions. 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. In the public sector, employees under the level of undersecretary can join a union. 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 work force was in the formal sector; the remaining 90 percent worked in the informal sector. Of the formal sector work force, 75 percent participated in unions. The law contains enabling regulations; however, the Government did not fully implement acts protecting trade unions. The law defines procedures for establishing trade unions, associations, and federations.

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. Seven trade unions, including UCPN-M-affiliated trade unions, united to establish the Joint Trade Union Coordination Committee.

The law provides the right to strike except by employees in essential services, and workers regularly exercised this right. The Government used the legislation to ban strikes in sectors, including several that go beyond international standards for essential services, such as banking, 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 the strike adversely affects the nation's economic interests. The process for conducting a legal strike is cumbersome, as 60 percent of a union's membership must vote in favor of a strike in a secret ballot, and the union is required to give notice 30 days before a strike.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, but the Government did not effectively enforce these provisions. The law also provides for protection of unions and union 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.

Collective bargaining agreements covered an estimated 10 percent of wage earners in the organized sector. Labor leaders faced challenges in reaching collective bargaining agreements due to political infighting among trade unions, and the Government did not effectively enforce protections regarding antiunion retaliation due to legal obstacles to striking, insufficient capacity, and employer resistance. According to the General Federation of Nepalese Trade Unions, collective bargaining was not effective in new factories and industries, but it was successful in some of the well-established factories and industries. Workers often faced threats or dismissal for attempting to organize a union, and the Government did not effectively enforce protections regarding antiunion retaliation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. In practice there were reports that forced labor occurred, especially in domestic servitude, in factories, food services, and the embroidered textiles and pornography industries, and in begging and in circus entertainment. Many citizens migrated willingly for work but subsequently faced conditions of forced labor.

Bonded labor remained a problem primarily in the agricultural sector as well as the small formal sector, which included brick and kiln works and food services, such as tea shops and restaurants.

The Kamaiya system, a form of bonded labor, was formally outlawed in 2002, but government enforcement of the law was uneven, and social reintegration remained difficult. During the year the Government rehabilitated an additional 6,870 Kamaiyas, bringing the total number of rehabilitated persons to 22,402 out of a total Kamaiya population of 27,570, most of whom lived in Dang, Banke, and Kanchanpur districts. Most unrehabilitated Kamaiyas lived in Bardiya and Kailali districts. On March 30, freed Kamaiyas staged a demonstration to ask the Government for appropriate rehabilitation and implementation of past agreements.

In April a man beat unconscious his renter, a young Kamalari (minor female Kamaiya), in Tikapur, Kailali District. Civil society organizations in the district staged protests and demanded legal action against the landlord. The case remained under investigation at year's end.

The Ministry of Labor enforced laws against forced labor only in the small formal sector.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law establishes a minimum age of 16 for employment in industry and 14 for employment in agriculture and 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, but regulations to enforce the law have not been fully implemented. 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 between 6 a.m. and 6 p.m. and six days a week). 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, including agriculture, domestic service, portering, rag picking, transportation, and rock breaking. Depending on the sector, children work long hours, carry heavy loads, are at risk of sexual exploitation, or suffer from ear, eye, or skin disorders or musculoskeletal problems. Forced child labor was reported in the brick, carpet, embroidered textile, and stone industries. Children working in textiles and embroidery faced hazards, as they were confined to small, poorly ventilated rooms where they worked with sharp needles.

Resources devoted to enforcement were limited. According to the International Labor Organization (ILO), the agricultural sector accounted for fewer than 87.7 percent of all working children. According to the Nepal Labor Force Survey 2008, which was the most recent survey available, the labor force participation rate was 13.4 percent for children aged five to nine and 52.7 percent for children aged 10 to 14. Of those, 1.6 million children worked full time. According to the ILO and the Ministry of Labor, inspectors found no children working, and no legal action was taken in the formal sector. At the same time, an estimated 89.5 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, and a significant amount of child labor occurs in sectors not covered by national labor laws. According to the ministry, there were 12 labor inspectors employed during the year. The ministry reported that it carried out 600 labor inspections across the country during a 10-month period. The Home Ministry raided restaurants and brothels and rescued and rehabilitated 68 children.

e. Acceptable Conditions of Work.—The minimum wage for unskilled laborers was approximately 4,600 rupees per month (approximately \$63). The wage for semi-skilled workers was set at 4,650 rupees (\$64), for skilled workers at 4,760 rupees (\$66), and for highly skilled workers at 4,950 rupees (\$68). None of these minimum wages was sufficient to provide a decent standard of living for a worker and family, and inflation in the cost of food and other household expenses magnified the difficulties for low-wage workers. Wages in the informal service sector and in agriculture ranged from 170 to 250 rupees per day (\$2.35 to \$3.46). The law calls for a 48-hour workweek, with one day off per week and one-half hour of rest per eight hours worked, and limits overtime to 20 hours per week with a 50 percent overtime premium per hour. In practice these laws were effectively enforced. 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 the law's 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.

The Government regulated labor contracting, or “manpower” agencies that recruited workers for overseas jobs. However, according to several credible NGOs, government officials were often complicit in falsifying travel documents and overlooking recruiting violations by labor contractors.

PAKISTAN

Pakistan is a federal republic with a population of approximately 176 million. In 2008 democratic rule was restored in the country through elections that international observers deemed competitive and reflective of the people’s will. Asif Ali Zardari, the widower of assassinated Pakistan People’s Party (PPP) leader Benazir Bhutto, became president and head of state on September 6, 2008. Syed Yousuf Raza Gilani was the prime minister and head of government. The PPP and its federal coalition partners controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Security forces did not report to civilian authorities and operated independently from the civilian government.

The major human rights problems included extrajudicial killings, disappearances, and torture. Although the Government initiated an investigation into an Internet video showing men in military uniforms apparently committing extrajudicial killings, a failure to credibly investigate allegations, impose disciplinary or accountability measures, and consistently prosecute those responsible for abuses contributed to a culture of impunity. Poor prison conditions, instances of arbitrary detention, lengthy pretrial detentions, a weak criminal justice system, insufficient training for prosecutors and criminal investigators, a lack of judicial independence in the lower courts, and infringements on citizens’ privacy remained problems. Harassment of journalists, some censorship, and self-censorship were problems. There were some restrictions on freedom of assembly. Corruption was widespread within the Government and lower levels of the police forces, and the Government made few attempts to combat the problem. Rape, domestic violence, sexual harassment, honor crimes, abuse, and discrimination against women remained serious problems. Religious freedom violations, as well as violence and discrimination against religious minorities continued. Child abuse and exploitive child labor were problems. Widespread human trafficking, including exploitation of bonded laborers by land owners; forced child labor; and commercial sexual exploitation of children remained problems, as did lack of respect for worker rights.

A new law to increase protection against sexual harassment was passed, and more than 40 ministries and departments incorporated the new code of conduct into their policies, although women’s rights groups sought more effective implementation. The minister for minorities took an active role in assisting victims of religiously motivated attacks on Christians and Ahmadis; the Government allocated four reserved Senate seats for religious minorities, one from each province; and police freed more than 1,000 bonded laborers.

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 several reports that the Government or its agents committed arbitrary or unlawful killings. Politically motivated killings and societal violence, including killings by angry mobs, continued. There were reports of extrajudicial killings in connection with conflicts in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province) (see section 1.g.).

Some killings of individuals accused of crimes allegedly resulted from extreme physical abuse while in official custody. During the year the nongovernmental organization (NGO) Society for Human Rights and Prisoners’ Aid (SHARP) reported 72 civilian deaths after encounters with police and 168 deaths in jails, an increase from the previous year. The police stated that these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Lengthy trial delays and failures to discipline and consistently prosecute those responsible for abuses contributed to a culture of impunity.

On March 7, Pakistani newspaper Dawn reported that the Pasrur city police in Punjab registered a case against the station’s former station house officer (SHO)

and other officers for allegedly torturing a suspect in custody. The suspect, Ghulam Farid, died in jail on February 26.

On March 29, Dawn reported that Naveed Shah was tortured to death by police at the Sangi police station in Sindh. The Government immediately responded, and on March 30, the Sindh High Court Bench ordered that a murder case be filed against the SHO and other officers.

On May 26, Human Rights Watch (HRW) reported that Farman Ali, a resident of Swat who had surrendered to the army in March, was found dead in a field with a gunshot to the head.

In mid-January HRW reported that 12 corpses were found near the Swat River riddled with bullets and bearing marks of torture. The dead were believed to include missing villagers whom the army picked up earlier.

January 2, HRW reported the body of "Humanyun" (an alias) was found dumped outside his house. The remains showed visible marks of torture and broken bones. The military allegedly detained him and his brother on October 27 on their return to Swat. According to HRW, Humanyun's brother was released on December 29. He had been tortured, and both of his legs had been broken.

HRW reported on January 10 that the body of Ghani was found in a field in Kuza Bandi with one bullet wound in the head and three in the chest. He was allegedly picked up and publicly beaten by the army in July 2009.

HRW reported that on February 21, the bodies of Mohammad Aalim (alias Mullah Banorey), Shams ul Hadi (alias Mullah Shanko), Murad, and Saleem were found in the Maidan subdistrict. According to HRW, all four men were rounded up four months earlier in a military raid and transferred to an unknown military detention center upon arrest. Residents reported that the corpses of Mullah Banorey and Mullah Shanko, who locals reported to be Taliban commanders, were tied behind military vehicles and dragged publicly, as persons were encouraged to spit at and throw garbage on the men. Military commanders claimed that all four men were killed in an "encounter."

The Human Rights Commission Pakistan (HRCP) called upon the Punjab government to hold an inquiry into the death of Hafiz Abdullah in Dera Ghazi Khan (DG Khan). It was alleged that after killing Hafiz Abdullah, the police officers involved threw his body outside and set it on fire in front of a crowd that had gathered outside the police station in Mian Chowk Choti Zareen. Senior civil judge Fayyaz Ahmad Zaheer of DG Khan appointed a one-man inquiry tribunal to probe an alleged extrajudicial killing by police officers in DG Khan on August 18. The Government had not brought any charges against the perpetrators by year's end.

On September 25, the Daily Times reported that Abdul Sattar was allegedly tortured to death by the Burki Investigation Police in Lahore. The police termed the killing a suicide, although the police officer in charge was discharged soon after the incident. Family members of the victim stated that police officials killed Sattar despite receiving money for his release.

According to the Express Tribune, on September 26, Muhammad Akram Thaheem was arrested by police on betting charges and died later that day while in custody at Mumtazabad Police Station. Police officials alleged that he died of cardiac arrest, whereas medical reports suggest he died after being castrated. The 10 police officers wanted in the case fled from the Mumtazabad police station soon after the registration of First Information Reports (FIRs) against them.

During the year extrajudicial killings from 2009 came to light, including in September a video posted on the Internet of men in military uniforms executing six young men in civilian clothes. The young men were shown blindfolded and lined up with their hands tied behind their backs. On October 8, Chief of Army Staff General Kayani issued a statement ordering the establishment of a board of inquiry to determine the identities of the uniformed personnel seen in the Internet video. By the end of the year, the military had not publicly announced the conclusions of its investigation into the video, and no one had been held accountable. The video appeared to have been taken in the Swat Valley during the 2009 military counterinsurgency campaign.

Days after this video surfaced on the Internet, another video emerged on the Internet showing men in military uniforms beating prisoners in a remote location.

The HRCP and HRW reported that the army was responsible for more than 200 extrajudicial killings in the Swat region during the past year. The HRCP reported that residents described mass graves in Kukarai village and in areas between the villages of Daulai and Shah Dheri.

In total, according to the HRCP, approximately 2,600 suspected militants were detained in Swat during the military's operational phase, but none of them were charged or produced before a court. The HRCP also believed that an additional

2,800 cases were lodged against suspected terrorists after the military operation in Swat concluded, but they also were not brought before a court of law.

There were no developments in the April 2009 killings of Baloch National Movement (BNM) President Ghulam Muhammad Baloch and Baloch Republic Party (BRP) members Sher Muhammad Baloch and Lala Munir Baloch in Turbat, Balochistan. They were abducted by men in civilian clothing from their lawyer's office on the same day that the antiterrorism court cleared them of charges of causing unrest. They were reportedly taken away in Frontier Corps vehicles. They were later found dead on April 8.

On August 23, in Uthal, Balochistan, assailants abducted and killed Central Joint Secretary of the BNM Rasool Bakhsh Mengal. According to the Asian Human Rights Commission (AHRC), the BNM and other nationalist groups suspected that armed Frontier Constabulary or intelligence officials abducted Mengal and tortured him in military cells. His body was found hanging from a tree in Bela on August 31, with signs of apparent torture, including cigarette burns and words carved into his skin. His death sparked violence in Khuzdar and Makshay.

In September 2009, after two days of police questioning, Robert Fanish, a Christian detained on blasphemy charges, was found dead in his cell in a jail in Sialkot, Punjab. His family members and NGOs alleged that he died of police torture; the police maintained Fanish hanged himself. The Joint Action Committee for People's Rights, an alliance of more than 30 human rights groups, stated that witnesses saw marks of torture on his body. Activists staged numerous demonstrations across the country, and two days after Fanish's body was found the chief minister of Punjab Province ordered an inquiry into the death. At the end of the year, the inquiry remained pending.

HRW reported that in November 2009 the army picked up Ayub Khan at his home in Lunday Kase, Mingora (Swat), beat him in front of his family, and took him away in a military vehicle. In December 2009 local residents reportedly heard a shot, found his body covered with marks of torture, and saw an army vehicle driving away.

HRW also reported that in October 2009 Islam Khan was picked up from his house in Imam Dheri, Swat, in an army raid. His body was found 15 days later near the Swat River with extensive marks of torture. His hands and legs were broken. Reportedly, shortly after the body was recovered, a team of soldiers and police came to his house, told his family not to mention the incident or their house would be demolished, and took the body away.

According to the media, in August 2009 the corpses of individuals who had been killed extrajudicially began appearing in Swat, Khyber Pakhtunkhwa, formerly the North West Frontier Province (NWFP). According to Dawn, on August 24, residents found 15 bodies in a town east of Mingora, and on August 15, residents discovered 18 more bodies in different parts of Swat. At year's end responsible parties had not been identified.

The New York Times reported that on September 1, a group of soldiers arrested Akhtar Ali in his electrical shop in Mingora. Family members went to army headquarters the day after his arrest, and authorities assured them that Ali would be released. The family filed a petition stating that on September 5, security forces dropped Ali's body on their doorstep. According to his family, "there was no place on his body not tortured." There were no developments or arrests in this case.

There were no developments in the following 2008 cases: the death of Allah Bakhsh while in custody in Khanewal, Punjab; the deaths of Irfan Khan and John Masih in custody; the alleged torture of Rafique Masih by Jafar Husain in a Lahore police station; the death of Idris Ahmad while he was in Sihala Jail near Rawalpindi; the alleged torture of Falak Sher in Sheikhpura by Punjab police in August; or the killing of four inmates at Karachi's Malir District Jail.

During the year there were numerous reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh. According to a report by Dawn, 1,981 persons were killed in political violence in Karachi, of which 748 were targeted killings. Nationalist leaders in Balochistan also remained targets of attacks during the year. Balochistan National Party (BNP) President Akhtar Mengal accused the Government and its functionaries of carrying out targeted killings of Baloch leaders and activists. According to HRW, militant groups increased attacks against non-Baloch civilians.

The Daily Times quoted police sources as saying that targeted killings in Balochistan claimed 87 lives and injured 303 persons in 168 incidents between January and May.

According to Dawn, on March 3, two students of Khuzdar Engineering University were killed and nine others injured when a bomb exploded on the university premises during a Balochi cultural performance by the students.

On March 7, a local leader of the Pakistan Muslim League-Nawaz and his guard were killed and two guards injured when armed men on a motorbike opened fire on their car in Khuzdar town.

On March 18, a retired superintendent of police, Usman, alias Tikkah Khan Rodani, was killed in Quetta as he exited his house. Dawn's sources said the assailants were on a motorbike, and the incident was considered another targeted killing.

On March 22, Professor Fazal Bari was shot and killed by unknown assailants, prompting the Tameer-i-Nau Trust to close its newly established school in the Quetta city's Takhtani eastern bypass area.

According to Dawn, on April 27, Nazima Talib, a professor at Balochistan University, was killed when two masked men on a motorcycle opened fire on her. A spokesman for the Baloch Liberation Army claimed responsibility for Nazima's killing. Teachers and educators from different institutions termed her killing a conspiracy to discourage female teachers from performing their duties.

On May 24, Mohammad Ashfaq, vice principal of the Pak-German Technical Training Centre in Hub, was shot and killed in a targeted killing.

On July 12, National Party (NP) leader Maula Bukhsh Dasti was shot and killed by unknown assailants in Turbat, Balochistan. Only two days later former senator and secretary-general of the Balochistan National Party-Mengal (BNP-M) Habib Jalib Baloch was killed in Quetta. On July 21, another BNP-M leader, Liaquat Ali, was shot and killed in Kalat District in Balochistan. These incidents led to widespread protests across the province. On July 27, unidentified gunmen killed the son of NP central leader Tufail Sabir in Khuzdar.

According to the Daily Times, on August 31, BNP-M leader Nawabuddin Nechari and two friends were traveling on a national highway when unidentified assailants opened indiscriminate fire on their vehicle, killing Nechari and one of his friends.

On September 6, the dead body of a kidnapped lawyer Zaman Marri was found in Mastung. According to sources at the hospital, the victim was shot in the head, and his body bore marks of torture.

On September 8, three persons, among them a political leader and a police officer, were killed and five others injured in a bomb blast in Hub. Hundreds of persons, mostly women and children, were shopping in Rind Market when the explosive device placed in a shop exploded. Abdul Khaliq, a leader of BNP, and Police Inspector Abdul Sattar were killed.

On September 9, Balochistan finance minister Mir Asim Kurd had a narrow escape when a suicide bomber detonated himself inside the minister's residence in Quetta, killing five persons and injuring four others. The blast occurred moments after Kurd, the Pakistan Muslim League-Quaid's parliamentary leader in the Balochistan Assembly, left for his office.

On September 28, three persons were shot and killed in the Hazarganji area, and a kidnapped trader was found dead in Sariab area.

On September 30, Interior Minister Rehman Malik reported that security in Balochistan had improved to a great extent and that targeted killings in Quetta had stopped. He stated that 97 individuals involved in the killings had been arrested. In Panjgur 28 persons were arrested, and FIRs were lodged against them.

On October 3, two local leaders of the Balochistan National Party-Awami (BNP-A) and two other persons were shot and killed in separate incidents in Turbat and Quetta. BNP-A leaders Mullah Abdul Latif and Mohammad Aslam were travelling in a pick-up when gunmen on a motorbike opened fire on them near Tutak area of Turbat. Mohammad Ishaq Lehri and Mansoor Lehri were shot and killed by unidentified attackers near Irrigation Colony on Sariab Road in Quetta.

On October 4, the Express Tribune reported that 21 bullet-riddled bodies of missing persons, including two lawyers, were found across Balochistan including in Quetta, Mastung, and Khuzdar since July 4. All of the victims were Baloch, and all were killed in a similar manner.

On October 4, Abdul Aziz Rahi Mengal, former director-general of middle education in Balochistan, was killed in Khuzdar. Sources said that Mengal was in his van when he was attacked by gunmen on a motorcycle at Azadi chowk.

According to the Daily Times, on October 13, unidentified assailants shot and killed BNP-M senior leader Mir Nooruddin Mengal near his residence in Kalat.

According to Dawn, on October 25, Sheikh Mohammad Ayub Khan, the Zhob district chief of the Jamiat Ulema-e-Islam, was shot and killed.

On October 31, the president of Baloch Students Organization-Azad, Multan chapter, Asim Karim Baloch, was found dead in Khanozai-Ziarat cross area.

On November 9, three persons were killed when gunmen on motorbikes attacked a vehicle in Quetta. In Turbat armed men entered a house and opened fire on the residents.

On November 22, the HRCP and Dawn reported the killing of six persons missing from various parts of Balochistan over the Eid holidays. According to the BBC, Nawab Aslam Raisani, the chief minister of Balochistan, stated that extrajudicial killings in Balochistan were carried out by security agencies.

According to the Daily Times, on December 16, another BNP activist, Rais Ali Ahmed Langou, was shot and killed in Kalat, approximately 90 miles from the provincial capital. No one claimed responsibility for the killing, but the BNP blamed a government "death squad" for the assassination.

On December 17-19, three bullet-riddled bodies were found in different parts of Balochistan. Sources said that two bodies were found in Pidrak area in Turbat. According to sources, the victims were kidnapped near Shahraq area some three days before the recovery of bodies. "The victims were shot in the head, and there were also marks of torture on their bodies," hospital sources said.

On December 26, the bodies of four missing Baloch were found in Quetta and Mastung. The two bodies found in Quetta were shot in their heads with their hands tied behind their backs, according to hospital sources. Police recovered the other two bodies from the Dasht area of Mastung District.

The elected civilian government, especially the coalition partner Awami National Party (ANP) in KP Province, remained the target of attacks. On July 24, the son of KP information minister Mian Iftikhar Hussain, Mian Rashid Hussain, was shot and killed. Three days later, a suicide bomber blew himself up near Hussain's home in Peshawar, killing at least eight persons and injuring 15. The Tehrik-ie-Taliban Pakistan (TTP) claimed responsibility for the blast and warned of more attacks on leaders and workers of the ANP. On March 13, Lal Badshah, chief of the Peace Committee of Baizai Tehsi, and his two official guards were killed in Bakhshi Pul area on the outskirts of Peshawar, KP. On August 2, a Muttahida Qaumi Movement (MQM) leader and member of the Sindh Assembly, Raza Haider, and his security guard were shot and killed by unidentified assailants inside a mosque in Karachi, Sindh. More than 100 persons died in the ensuing riots between supporters of MQM, the PPP, and the ANP.

On November 30, Balochistan Governor Nawab Zulfiqar Magsi escaped harm from a targeted remote-controlled bomb attack in Kalat. The Balochistan Liberation Army (BLA) claimed responsibility for the attack. On December 7, Balochistan chief minister Nawab Aslam Raisani narrowly escaped harm, but 10 others were injured, during an attack on his motorcade in Quetta. The Baloch Liberation United Front claimed responsibility.

There were no developments in the August 2009 abduction and killing of Central Joint Secretary of the BNP-M Rasool Bakhsh Mengal in Uthal, Balochistan. In November his younger brother, Nisar Baloch, was abducted from Lasbela district.

There were no developments in the following 2009 incidents: the February 11 remote-control bomb attack in Peshawar which killed Alamzeb Khan, an ANP member of the provincial assembly, and injured seven others; the March 11 suicide bombers' assassination attempt against Bashir Bilour, a senior ANP leader and senior minister in the KP government, which killed four persons; or the December 1 suicide blast in Swat which killed ANP provincial assembly member Shamsheer Ali Khan and injured 11 others.

On June 22, the Daily Times reported that the Karachi Police and Antiextremism Cell arrested Asmatullah of the TTP in connection with 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 2007. Asmatullah's brother, Wahab, was the alleged organizer of the attack.

On April 15, a three-member UN commission presented its investigation report of the 2007 assassination of former prime minister Bhutto. The report stated that the former government led by Pervez Musharraf failed to protect Bhutto and that intelligence agencies hindered the subsequent investigation. The widely publicized report concluded that the suicide bombing that killed Bhutto "could have been prevented" and that police action, including the hosing down of the crime scene and failure to collect and preserve evidence, inflicted irreparable harm on the investigation." As of September five suspects were in custody for the 2007 assassination.

Mob violence remained a problem. On August 15, a mob beat to death two young brothers, Hafiz Mughees, age 15, and Hafiz Muneeb, age 19, and hung their bodies up in Sialkot, Punjab. It was reported that the young men were mistaken for robbers. The brothers died in the presence of dozens of onlookers and police officers, who took no action to stop the violence. The Supreme Court, acting on its own, ordered an inquiry, and according to the press, 17 persons were arrested for the killings, including a subinspector of police and several police officers. The head of the Sialkot District police was also jailed on the basis of judicial remand.

b. Disappearance.—During the year politically motivated disappearances continued. There were reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado, refusing to disclose their location. Human rights organizations reported many Sindhi and Baloch nationalists were among the missing. There were reports of disappearances during the year in connection with the conflicts in FATA and KP (see section 1.g.).

The Supreme Court continued its hearings on missing persons cases. In March the federal government formed a three-member judicial commission headed by a retired supreme court judge to look into the issue of disappearances. The commission's mandate included preparing a comprehensive list of missing persons, suggesting ways to trace the missing persons, and finding those responsible for their disappearance. In May the commission held several meetings and recorded statements of family members and government officials. The HRCP reported that the creation of a commission on enforced disappearances did not appear to satisfy the hopes for an early resolution of the matter for the families of those who disappeared.

In some cases children also disappeared. According to the AHRC, on October 18, a 14-year-old boy, Abdul Majeed, son of a well-known trader, was abducted, allegedly by the Frontier Corps. On October 24, his body was found in the Koshak River in the Khuzdar District. There were bullet wounds in his head and chest. He was an activist of the Baloch Student Organization Azad.

Amnesty International reported on August 18 that the army stated it was holding 900 prisoners arrested in Swat who would be handed over to relevant agencies. Their identity, whereabouts, and fate remained unknown.

Disappearances from Balochistan remained a problem during the year, with Baloch political groups demanding greater political and human rights. In February Balochistan chief minister Nawab Aslam Raisani told the Daily Times that 999 persons from Balochistan were missing. According to the Voice for Baloch Missing Persons (VBMP), more than 785 persons disappeared since January; the bodies of 35 of them were found in different areas in Balochistan. The VBMP estimated that more than 11,000 persons had disappeared in Balochistan since 2001. Ghulam Mohammad Baloch was a member of a committee formed to ascertain the identity of some 800 victims of enforced disappearance. The Balochistan High Court set up a judicial inquiry in April and in September called on the intelligence agencies to assist the investigation of the killings after police complained about their lack of cooperation.

Amnesty International reported that according to family members, Zakir Majeed Baloch, a social worker and vice-chairman of the Baloch Students Organization, was picked up on June 8 by intelligence agency personnel near Mastung, Balochistan. Police refused to register the family's complaint. His fate and whereabouts remained unknown.

There was no update in the case of Jaleel Rakei, a member of the BRP. According to the HRCP, security forces arrested Rakei in February 2009 during a raid on his house in Sariab Kechi Beg. The HRCP also reported that in August 2009 armed law enforcement personnel abducted Saadullah Baloch in Khuzdar, Balochistan. At year's end both men remained missing.

There were reports of disappearances in Sindh Province, where nationalist political parties claimed that some of their members were in the custody of intelligence agencies. Jeay Sindh Qaumi Mahaz (JSQM) leader Sikander Aaksh Mallah and his aide, Noor Mohammad Khaskheli, allegedly were picked up from Hyderabad, Sindh, in October 2009 by the police and intelligence agencies and never seen again. On May 29, JSQM workers held a protest in Karachi over their disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including intelligence services, tortured and abused individuals in custody. During the year the NGO SHARP reported 4,069 cases of torture by police, of which 2,690 allegedly occurred in Punjab alone. During the year a significant increase in the total number of torture and rape cases was observed, almost double the number compared with 2009. Human rights organizations reported that methods of torture included 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. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country.

The country ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture in 2010. Concerns have been raised over the number and breadth of its substantive reservations, as well as its reservation to the authority of the Human Rights Committee to request and receive periodic reports on the country's implementation of the ICCPR.

There were accusations of security forces raping women during interrogations. The Government rarely took action against those responsible. According to the Women's Action Forum, although the 2006 Women's Protection Act (WPA) amended the Hudood Ordinance, women were still in prison awaiting trial under these laws; however, there was a decline with the passage of the WPA.

On January 24, Dawn reported that relatives of a man police say committed suicide while in custody alleged that he was tortured to death after his detention for suspected involvement in a kidnapping case. The relatives rejected the claim that Liaquat Ali Bughio hanged himself with a belt. Rasheed Bughio, a cousin of Liaquat, told journalists that police arrested Liaquat four days before his death. He said his cousin had told him that police were torturing him to force him to confess his involvement in the kidnapping.

On March 3, news channels across the country showed footage of police publicly humiliating seven robbery suspects at the Bhawana police station in Chiniot, Punjab. The victims were first stripped and then tortured in front of a large number of persons. Five police officials, including the SHO, were arrested after the Supreme Court initiated action and called for strict action against the officials.

On May 19, The News reported that a 13-year-old girl named Natasha allegedly was raped for 21 days by police after they illegally detained her at the Wah Cantonment Police Station in January. On its own authority the Lahore High Court ordered an inquiry. After the initial investigations by the Rawalpindi police, police arrested the two accused police officials; two others remained at large.

On May 25, Dawn reported that a female prisoner, Abida Hameed, allegedly was tortured by police officials in the Sialkot central jail after being sexually harassed. An inquiry was initiated on the orders of the Supreme Court, after which a case against 31 persons, including police officers, was lodged for torturing the woman.

On August 10, the AHRC reported, that Ruby Masih of Karachi allegedly was raped in a private police detention center for more than 50 days by police officers. The victim and her family reportedly were currently in hiding because of continual police threats.

On October 11, the HRCP criticized the torture and humiliation of several death row prisoners at the Singh District prison. Three prisoners allegedly were stripped naked and were not allowed to urinate for hours, despite being forced to drink several liters of water. The HRCP brought this incident to the attention of the Punjab prison chief but never received a response.

By year's end the Government had not taken steps to prosecute Subinspector Shujat Ali Malhi and other police officers responsible for the 2008 alleged torture and rape of an unnamed 17-year-old girl in Faisalabad. There were no developments in the 2008 case of Agha Mahboob Ahmed, who was arrested on suspicion of involvement in a bank robbery and allegedly tortured at the Hyderabad Criminal Investigation Agency center.

On March 1, The Nation reported that Faisalabad remained tense as factions belonging to two different sects clashed over the issue of a disputed mosque. The angry mob burned dozens of cars and bikes and the local police station in Usman Town, Mithopura, within Sargodha Road Police Station's area. The clashes erupted when unknown armed men resorted to indiscriminate firing on the procession near Goll Mosque, critically injuring three persons.

On August 4, Dawn reported that a hand grenade attack inside a North Nazimabad mosque in Karachi during prayers left five persons injured, followed by day-long violence that included arson attacks and shooting incidents claiming at least 22 lives in and around Karachi.

The 2009 the HRCP annual report stated there were "592 cases of kidnapping for ransom in the NWFP, 241 in Balochistan, 244 in Punjab, and 163 in Sindh."

Prison and Detention Center Conditions.—Prison conditions were often extremely poor and failed to meet international standards. Overcrowding was common, except for the cells of wealthy or influential prisoners. Prisons and detention centers were largely managed by the provincial governments. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. Prisons in could not be classified as correctional institutions, because the conditions in many of the prisons are so inhumane that criminals often leave more hardened than before their arrest.

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. In many facilities provisions for sanitation, ventilation, temperature, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care; however, in practice it did not always function effectively. Prisoners sometimes also

had to pay bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries. There were various reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities.

Christian and Ahmadi communities claimed that their members were more likely to be abused in prison facilities. Minority prisoners generally were afforded poorer facilities than Muslim inmates and often suffered violence at the hands of fellow inmates. Police reportedly sometimes tortured and mistreated those in custody and at times engaged in extrajudicial killings.

According to SHARP, more than 100,000 prisoners occupied 73 jails originally built to hold approximately 36,000 persons. According to an estimate, the prisoner per capita ratio is 50 per 100,000. According to an August 17 Dawn report, all 32 jails in Punjab Province faced acute overcrowding. According to official figures, these jails operated at 42 percent over capacity. According to Punjab Prisons Department officials, overcrowding not only caused security, accommodation, and health problems for inmates but also adversely affected the general administration of jails. The report noted that as of June 30, approximately 52,162 prisoners were in Punjab's prisons, which had an authorized capacity of 21,527 inmates. Of these, 696 were women, and 708 were juveniles.

An official from the Sindh Prison Department noted that in his province the jails were overcrowded but that the department had noted a drop in the number of prisoners. As of the end of the year, a total of 12,908 prisoners were imprisoned in jails with a capacity of 10,450. This indicated a decline from August statistics, which showed an occupancy of 13,886 prisoners in 25 jails across the province. Central Jail Larkana and Malir Jail Karachi were the most crowded in the province. Central Jail Larkana had the highest number of AIDS patients in Sindh. In Sindh jails there were 118 female prisoners and 277 juvenile prisoners.

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not segregated from the general prison population. Prison officials often kept juvenile offenders in the same facilities as adults, but in separate barracks. Despite keeping juveniles in separate barracks, at some point during their imprisonment, children would be mixed with the general prison population. Often children were subject to abuse, rape, and violence from other prisoners and prison staff.

On July 2, the Society for the Protection of the Rights of the Child (SPARC) issued a report on the 10th anniversary of the 2000 Juvenile Justice System Ordinance (JJSO), under which jails that held at least 1,300 juvenile prisoners, and as many as 10,000 children, were facing criminal litigation. SPARC noted that the number of juvenile prisoners represented a significant decline from more than 5,000 when the JJSO was issued in 2000. SPARC stated that juvenile prisoners, the majority of whom were awaiting trial, were among the worst off in the country. The jail conditions in which they were held were extremely poor, and they were subject to a slow process and lack of special juvenile courts or judges. Many spent longer periods behind bars because they were unable to pay bail. A fair and just juvenile justice system does not exist in the country, according to SPARC. SPARC's regular visits to juvenile sections across the country revealed that little had changed since the introduction of the JJSO in 2000.

According to SPARC, child prisoners languished in prison, victims of an overburdened, undercommitted, and uncaring justice system and the circumstances that brought them in conflict with the law. Rather than being rehabilitated, the majority of child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Women were held in separate spaces from men in some, but not all, prisons. There were many reports of violence against women and rape in the prisons.

The 18th amendment to the constitution, passed in April, mandates that religious-minority prisoners be given places to worship inside jails. There is an ombudsman for detainees, with a central office in Islamabad and one in each province. It was unlikely that this office would work on alternatives to incarceration or bail. A complaint system existed for prisoners to submit grievances; however, in practice it did not function effectively. Inspectors general of prisons visit prisons and detention facilities to monitor conditions, but visits were not regular. According to government officials, this system was based on complaints filed by individuals reporting misbehavior of civil servants.

According to SHARP, by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. After submitting the

complaint, the inmates must remain in the same prison with the same prison authorities. Therefore, although there were many problems and an available channel for complaints, the prisoners remained silent to avoid confrontation with the jail authorities.

The International Committee of the Red Cross (ICRC) reported great difficulties in accessing detention sites, in particular those holding security-related detainees. In mid-year the ICRC suspended prison visits in Punjab, as access to detainees was no longer conducive to ICRC working modalities. Despite ongoing dialogue with the Government, ICRC visits were not authorized in any detention sites in the provinces most affected by violence, namely KP, FATA, and Balochistan. The Governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings and offered recommendations to authorities and, where relevant, initiated water-sanitation improvement projects.

Authorities at the local, provincial, and national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates.

According to SHARP, the Government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result the situation appeared to deteriorate. Reports of torture increased during the year.

d. Arbitrary Arrest or Detention.—The law prohibited 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 of the country. By law control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The armed forces are responsible for external security. At times during the year they also were assigned domestic security responsibilities.

Law and order in FATA is administered under the Frontier Crimes Regulations (FCR) through a political agent, who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These included the paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between FATA and the KP; levies, which operate in FATA and report to the political agent; khassadars (hereditary tribal police), which help the political agent maintain order; and lashkars (tribal militias), which are convoked by tribal leaders and political agents to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective.

Police often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims, from attacks (see section 2.c.). 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 (a chief elected official of a local government or mayor equivalent), provincial interior or chief ministers, federal interior minister, prime minister, or 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. These mechanisms were sometimes used.

The court system remained the only mechanism available to investigate abuses by security forces.

There were improvements in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels.

In March the Islamabad Capital Police established a human rights cell to encourage persons to report cases of human rights violations either in person, through a telephone hotline, or via e-mail. Islamabad police also decided to appoint human rights officers (HROs) and members of the community at all police stations. HROs could visit police stations at different times and had authority to interview arrested individuals. If a police officer was reported to be involved in torturing or detaining persons at police stations without justification, HROs could recommend disciplinary action against the officer involved. Provincial and federal law enforcement officers also attended a training course that included human rights, victims' rights, and women's rights. Since 2008 SHARP has provided training to more than 2,000 police officers in human rights.

Arrest Procedures and Treatment While in Detention.—A FIR is the legal basis for any arrest. For certain crimes the police may initiate an FIR. Police ability to initiate an FIR is limited. Often a different party must file the FIR, depending on the type of crime, not whether there is reasonable proof of a crime. An FIR allows police to detain a suspect for 24 hours, after which a magistrate can order detention for an additional 14 days if police show that such detention is material to their investigation. In practice some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe. There were reports that some police detained individuals arbitrarily without charge or on false charges to extort payment for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender.

Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. Some women in detention were sexually abused. When requested, magistrates approved investigative detention without determining its cause. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

Courts appointed attorneys for indigents only in capital cases. Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison visits.

The district coordination officer may recommend preventive detention for as long as 90 days to the provincial home department and, with the approval of the Home Department, can extend it for an additional 90 days.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. Under both the Hudood Ordinance and standard criminal codes, there are bailable and nonbailable offenses. The Hudood Ordinance was a law enacted in 1979 by the then military ruler Zia-ul-Haq to implement Islamic Sharia law by enforcing punishments mentioned in the Qur'an and Sunnah for zina (extramarital sex), qazf (false accusation of zina), offense against property (theft), and prohibition (the drinking of alcohol).

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. Judges sometimes denied bail at the request of police or the community or upon payment of bribes. In some cases trials did not start until six months after the FIR, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. In detention facilities, individuals frequently had to pay bribes to visit a prisoner. SHARP estimated that approximately 55 percent of the prison population was awaiting trial. This situation remained unchanged due to lack of change in the judicial system. The high number of inmates awaiting trial remained a large burden on the country's jails. In some cases detainees were informed promptly of charges brought against them.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the 2009 NAB Ordinance established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. During the year the NAB rarely exercised this power. All offenses under the NAB are nonbailable, and only the NAB chairman has power to decide whether to release detainees. In 2009 the Government removed the NAB's authority to prosecute politicians on new charges.

Under the FCR in FATA, political agents have legal authority to impose collective punishment, preventively detain individuals for as long as three years, and require "bonds" to prevent undesired activity. Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to Islamic law and tribal custom.

Accused persons have no right to legal representation or bail, and relatives or members of the same tribe sometimes were detained. Under section 40 of the FCR, even minors can be detained for up to three years. The FCR assigns collective punishment without individual rights, contrary to accepted judicial principles of individual responsibility. Militants in FATA and briefly in Swat imposed their version of Sharia law in makeshift courts; their punishments included public beheadings, stonings, lashings, and fines (see section 1.g.). Antiterrorism courts had the discretion not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty.

In FATA and the less-governed areas of the Provincially Administered Tribal Areas (PATA), security forces may, under the FCR, restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention and were tortured and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; often times family members were not allowed prompt access to detainees.

On January 16, the Government filed a petition challenging the Supreme Court's 2009 decision to rule the 2007 National Reconciliation Ordinance (NRO) unconstitutional. Then president Musharraf promulgated the NRO to provide an amnesty mechanism for public officeholders who were charged, but not convicted, in cases filed between 1986 and 1999. During the year the hearing of the review petition against the judgment, as well as petitions challenging the NRO, continued.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; in practice the judiciary was often subject to external influences, such as fear of reprisal in terrorism cases. In nonpolitical cases, the media and the public generally considered the high court and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. According to the Law and Justice Commission of Pakistan, as of May more than 1.1 million cases were pending with the country's lower courts, 150,000 cases awaited the four provincial high courts, and 17,500 cases awaited the Supreme Court. 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.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operated separate judicial systems. In FATA, under the FCR accused persons have no right to legal representation or bail. In specific areas noted in the Nizam-e-Adl regulation (often informally called the Sharia law) in PATA, Sharia law is imposed, and judges, known as qazis, are assisted by religious scholars. Azad Kashmir has its own elected president, prime minister, legislature, and high court. The Gilgit-Baltistan Self Governance Order of 2009 instituted a separate judiciary, legislature, and election commission for the region.

Informal justice systems that lack the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights violations. 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 continued to result in severe backlogs at both the trial and appellate levels. Feudal landlords and other community leaders 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 settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. Women often were sentenced to violent punishments or death for honor-related crimes (see section 6). In Pashtun areas such councils were held under the outlines of the FCR. 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 disputes arose over women and land and often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, "honor killings," or watta-satta marriages (exchange of brides between clans or tribes). The Sindh minister for human rights, Nadia Gabol, called for a ban on jirgas in July. Over the past few years, there were a growing number of reports of militants running their own courts in several tribal agencies and briefly in Swat, dispensing quick justice with little due process or transparency in their deliberations.

The AHRC reported that since 2002 more than 4,000 individuals, two-thirds of them women, have died by order of jirga courts in the country. Although the superior courts declared these rulings illegal, the AHRC reported that some of those involved in implementing jirgas were members of parliament. Militants in the Malakand Division enforced their own form of Islamic justice until the start of military operations in April.

In March 2009 a video was released on national and international media outlets showing militants flogging a teenage girl in Swat. According to press reports, militants flogged the girl as punishment for being seen in a public bazaar with a man

who was not her husband. Although it was not shown in the video, the militants also flogged the man who accompanied her to the market. In response a spokesman for the militants defended their right to flog female shoppers who were inappropriately dressed, stating that it was permitted under Islamic law. The video's release was instrumental in building national support against militants in the Malakand Division. In April 2009 the chief justice of the Supreme Court, Iftikhar Chaudhry, ordered police and government officials from KP's Swat District to bring the girl to the court and called for a court hearing into the public flogging. Prime Minister Yousuf Raza Gilani strongly condemned the "shameful" incident in a statement issued by his office. Gilani stated that it was contrary to Islamic principles, which teach men to treat women politely and gently.

Trial Procedures.—The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Defendants have the right to be present and to consult with an attorney. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in session and appellate courts. Defendants can confront or question witnesses brought by the prosecution and present witnesses and evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances.

The Anti-Terrorism Act allows the Government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the courts were free to extend the period. Under normal procedures, the high court and the Supreme Court heard appeals from these courts. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.

Cases under the Hudood Ordinances are first appealed in the Federal Shariat Court. The Supreme Court has ruled that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the Shariat courts lack authority to review the provincial high court's decision. The Shariat Appellate Bench of the Supreme Court is the final court of appeal for Shariat court cases. A 2005 ruling allows the Supreme Court to bypass the Shariat bench and assume jurisdiction in such appellate cases. The Shariat courts may overturn legislation it judges inconsistent with Islamic tenets, but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Under the FCR in 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 expressed concern about the concept of collective responsibility, as authorities used it as a pretense 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.

Courts routinely failed to protect the rights of religious minorities. Judges were sometimes pressured to take strong action against any perceived offense to Sunni orthodoxy. Laws prohibiting blasphemy continued to be used discriminatorily against Muslims, Christians, Ahmadis, and members of other religious groups. 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.

During the year an Ahmadi man, Iqbal, was acquitted of charges of blasphemy after spending six years in prison. NGOs reported that bail was sometimes denied in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

In 2009 the Muslim colleagues of a Christian woman, Aasia Bibi, accused her of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In November Bibi was sentenced to death for her crime, becoming the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal to the guilty verdict. At year's end Bibi was awaiting her appeal to the Lahore High Court (also see the 2010 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt).

There were many changes in PATA's judicial administration during the year. PATA, Khyber Pakhtunkhwa, including parts of the former princely states of Swat, Dir, and Chitral, are governed under Sharia law. Due to the country's military intervention in Swat, religious extremists and militants were no longer administering parallel judicial and administrative processes in the Malakand Division (which encompasses the district of Swat.) In addition, in 2009 the country's parliament and president formally enacted the Nizam-e-Adl Regulation 2009. The interpretation and enforcement of the law was sufficiently flexible that it was criticized by the Taliban that was formerly located in Swat. Contrary to Taliban desires, judges were appointed from the existing cadre of the country's judiciary and not from among "religious scholars."

In combination with a new judicial policy originated by the Supreme Court, which provided strict time frames for the initiation of both criminal and civil prosecutions, as well as significant efforts by lawyers and judges to meet the new time lines, the backlog of cases in the Malakand Division was reduced dramatically, in some areas up to 90 percent. In turn this reduced the amount of time that accused individuals spent in jail without benefit of active court process.

Azad Kashmir has a court system independent of the country's judiciary.

Gilgit-Baltistan (formerly known as the Northern Areas) also has a separate judicial system. The Gilgit-Baltistan Self-governance Order 2009 instituted a separate judiciary, legislature, and election commission for the region. Formerly the laws of the country were extended to the Gilgit-Baltistan at the discretion of the Ministry for Kashmir and Gilgit-Baltistan. The Gilgit-Baltistan Chief Court did not have all the powers of a high court.

Political Prisoners and Detainees.—Some Sindhi and Baloch nationalist groups claimed that their members were marked for arrest and detained based on their political affiliation or beliefs. Under the November 2009 Aghaz-e-Huqooqe Balochistan package (which addressed the province's political, social, and economic problems), the Government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty some Baloch groups claimed that the illegal detention of nationalist leaders by state agencies continued. The Karachi-based Baloch Rights Council claimed that as of September, there were 1,600 Baloch political prisoners in the custody of security and intelligence agencies.

Some nationalist parties in Sindh, including the JSQM, claimed that their members remained in the custody of government agencies. In a statement issued in August, the Asian Legal Resource Center claimed that in Sindh Province, more than 100 Sindhi nationalists had been arrested or had disappeared and were believed to be held by the military.

Civil Judicial Procedures and Remedies.—Persons may petition the courts to seek redress for various 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 that civil courts seldom, if ever, issued official judgments in such cases, 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 sometimes ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender (see section 1.d.). In cases pursued under the Antiterrorism Act, security forces were allowed to search and seize property related to the case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence (ISI), the police Special Branch, and Military Intelligence. Credible reports indicated that authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. NGOs suspected that authorities were monitoring mobile phones and electronic correspondence.

Although the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were opposed. The Government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. 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 mem-

bers of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the FCR.

g. Use of Excessive Force and Other Abuses in Internal Conflicts—During the year militant and terrorist activity continued in different areas of KP and FATA, and there were numerous suicide and bomb attacks in all four provinces and FATA. Militants and terrorist groups, including the TTP, the main Taliban militant umbrella group in the country, targeted civilians, journalists, schools, progovernment community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities (see section 2.c.). A low-level insurgency continued in Balochistan.

The Government implemented measures to protect the population. The military engaged in active combat operations to clear militants or security operations to restore security in Khyber, Bajaur, Kurram, Mohmand, Orakzai, and South Waziristan agencies in FATA, and Swat and the Malakand Division in KP. The Government also took actions to shut down and weaken terrorist ties around the country and prevent recruitment into militant organizations. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. The Government shifted 100,000 troops from the Indian frontier to spearhead a crackdown on the Taliban along the Afghanistan border. Police arrested would-be suicide bombers in major cities of the country, confiscating arms, suicide vests, and attack planning materials. The Government continued to operate a center in Swat to rehabilitate and educate former child soldiers.

Due to poor security, intimidation by security forces and militants, and the control the Government and security forces exercised over access by nonresidents to FATA, human rights organizations and journalists continued to find it difficult to report on military abuses in the region.

In August and September, there was a spate of sectarian violence around the country as government agencies, including the military, dealt with massive flooding.

Killings.—During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. The human rights situation in KP and FATA did not improve. As many as 977 persons were killed there, while another 1,765 were injured in suicide attacks and bombings. Militants in KP and FATA blew up 85 boys' and 55 girls' schools.

In July HRW released an article about extrajudicial killings in Swat. Since February HRW researched alleged human rights violations in Swat based on a list of more than 200 suspicious killings provided by local sources and the independent HRCF. HRW corroborated 50 of the cases. In no case examined by HRW was a killing falsely reported, suggesting that the total number of killings was as high as or greater than that reported.

In April HRW reported that approximately 200 persons were killed extrajudicially by the Pakistan Army in Swat between August 2009 and March 2010. On May 27, an HRCF fact-finding mission reported that security forces had restored peace in Swat and that there were no reports of any Taliban presence. However, it also found that there were approximately 28 extrajudicial killings in Swat after the military operation ended in July 2009 and that dead bodies had typically been found in the hours at the end of curfew.

Militant and terrorist bombings in all four provinces and in FATA resulted in hundreds of deaths and thousands of injuries. As of September 5, according to data collected by the South Asia Terrorism Portal, the media had reported 473 bombings in all four provinces and in FATA that killed more than 1,500 persons and injured 3,500 others. Of these, 49 were suicide attacks that killed 1,100 persons and injured more than 2,100.

There were also reports of attacks on civilians in Balochistan by groups prohibited by the Government. According to the report, terrorist and extremist attacks and operations to combat terrorism and extremism resulted in 7,400 deaths, of which nearly 1,800 were civilians, more than 450 were security forces, and more than 5,100 were terrorists or insurgents.

There were numerous militant and terrorist attacks during the year. For example, on January 8, eight persons were killed and 11 injured when a suicide bomber blew himself up at the gate of the headquarters of the militant group Ansar-ul-Islam in the Tirah area of the Khyber Agency in FATA. The bomber was reportedly a member of the rival militant group Lashkar-e-Islam.

On February 3, four female students were among nine persons killed when a bomb targeted a military-led convoy in Lower Dir of KP. At least 115 persons, in-

cluding 95 schoolgirls, also were injured in the attack. The TTP claimed responsibility for the attack.

On March 9, a suicide bomber blew up a vehicle outside the Government interrogation center of the Special Investigation Agency in Lahore, killing at least 14 persons and injuring 89 others.

On March 12, militants in Lahore targeted the military in a twin-suicide attack that killed at least 50 persons. The bombers targeted an area that was home to army officials and military installations, as well as hospitals and schools run by the military.

On April 19, two members of a progovernment village defense committee were shot and killed and three others, including a woman, were injured by assailants in the Koza Bandai area of Swat District.

On April 27, Nazima Talib Mehdi, an assistant professor at Balochistan University, was shot and killed in Quetta, Balochistan. The BLA, a group banned by the Government and fighting for an independent Balochistan, claimed responsibility for the killing, threatened more killings, and accused security forces of mistreating Baloch women.

On July 9, 108 persons, including women and children, were killed and 69 injured when two suicide bombers attacked political offices in Yakka Ghund in FATA.

On August 4 in Peshawar, Frontier Constabulary Chief Safwat Ghagyer and three bystanders were killed by a teenage suicide bomber. The TTP took responsibility for the attack, which was widely seen as part of a militant campaign to target high-profile law enforcement and political leaders.

On August 23, 26 persons, including a former member of the National Assembly, were killed and 40 injured when a suicide bomber blew himself up inside a mosque in Wana town of South Waziristan in FATA.

On September 6, nine police officers and four students were among those killed by an attack in Lakki Marwat, KP. The TTP claimed responsibility and stated that it would continue to target security forces with suicide attacks.

On September 7, at least 20 persons were killed and more than 90 injured in a remote-controlled bomb explosion, allegedly by the Taliban, inside a police colony in Kohat, KP.

On September 15, four persons were killed in Bajaur Agency, FATA, in a militant attack on the home of a progovernment tribal elder.

In September a video appeared on the Internet of Taliban militants gathering around a woman with a black hood over her head. The video, which was allegedly taken in KP, shows the militants stoning the woman to death.

On October 3, Mohammad Farooq Khan, a moderate religious scholar and vice chancellor of Swat Islamic University, was shot and killed in his clinic in Mardan along with one of his assistants.

On October 7, two suspected suicide bombers blew themselves up at Karachi's Abdullah Shah Ghazi shrine, killing at least eight persons and leaving more than 60 injured.

On October 18, militants shot a peace committee chief in Doaba Bazaar of Hangu district and put the heads of two other persons on display in Orakzai agency as a warning against resisting the militants.

According to the Daily Times, on October 22, unidentified assailants killed the ANP's former district president, Khogh Badshah, in Hangu. Unknown gunmen reportedly opened fire upon Badshah and his security guard in the Doaba area of Hangu.

On November 30, Balochistan Governor Nawab Zulfiqar Ali Magsi escaped unharmed when his convoy was targeted with a remote-controlled bomb. The bomb exploded minutes after the convoy passed in Mongechar area of Kalat District, approximately 75 miles from Quetta.

On December 7, Balochistan Chief Minister Nawab Aslam Raisani was unharmed by a suicide bomb attack on his motorcade in Quetta that killed one of his bodyguards.

According to the Daily Times, on December 15, the Taliban attacked a shrine in Peshawar and killed three of its custodians. Police said terrorists attacked the shrine of Ghazi Baba at Badabher and shot the custodians. Three of them died on the spot, while the fourth sustained injuries. In a separate incident, three persons were injured when a police vehicle was targeted with a remote-controlled improvised explosive device in Nagman area of Peshawar.

According to the Daily Times, on December 25, a female suicide bomber attacked a gathering of conflict-affected persons waiting to receive food in Bajaur Agency, killing at least 42 persons, including women and children, and injuring scores of others. A local official reported that the suicide attack took place at a World Food Program (WFP) food distribution center in Khar. The bomber was a woman who ap-

peared in full veil and blew herself up while being searched at the center. Witnesses said she threw hand grenades before detonating the bomb. TTP spokesman Azam Tariq claimed responsibility for the attack and stated that it was in retaliation for the Salarzai tribe's activities against the Taliban. The WFP temporarily stopped its food distribution operation in Bajaur following the attack.

Abductions.—During the year there were reports of civilians kidnapped or taken hostage by militant groups in FATA, KP, and Balochistan.

On February 20, The News reported that four officials of the international NGO Mercy Corps were kidnapped by unidentified armed men at gunpoint in the Shankai area of District Qillah Saifullah. On June 15, one of the officials, the driver, was killed. The three other officials were released in July.

Dawn reported that on March 7, a progovernment tribal elder was found dead in Ferozkhel Mela area of Orakzai tribal region. Malik Taj Mohammed was kidnapped a few days before he was found. According to family sources, the kidnappers never demanded a ransom. At least 23 elders have been killed in Orakzai for supporting government action against militants, and as a result more than 500 elders have moved to other areas.

On May 16, Dawn reported that militants ambushed a convoy being escorted by security forces and kidnapped 60 passengers, including women and children, in the Toor Ghar area of Hangu district, KP. After talks with tribal leaders, militants freed 40 of them; 10 remained in the custody of the militants, and another 10 escaped.

On September 7, Ajmal Khan, vice chancellor of the Islamia College University of Peshawar and a cousin of ANP leader Asfandiyar Wali Khan, was kidnapped by alleged terrorists in Peshawar.

In April the Government successfully negotiated the release of Thanasis Lerounis, a Greek volunteer for a humanitarian organization in KP, who had been kidnapped by the Afghan Taliban in September 2009.

Child Soldiers.—Nonstate militant groups, including the TTP, kidnapped boys and girls and coerced parents with fraudulent promises into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified.

In September 2009 the Government opened a rehabilitation center and school in Swat to assist former child soldiers rescued from militants. The center included a team of doctors, psychiatrists, and teachers. As of August there were more than 120 boys, some as young as age 12, attending school and receiving psychological counseling.

Other Conflict-Related Abuses.—Militants bombed government buildings and attacked and killed female teachers. The TTP particularly targeted girls' schools, pronouncing its opposition to girls' education; however, the TTP also destroyed boys' schools. As of July, 93 schools were destroyed in Bajaur Agency in FATA. 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.

In KP elected civilian government officials and their families were major targets of attacks, especially those representing the ANP party. On July 24, the son of KP's information minister, Mian Iftikhar Hussain, was shot and killed. Three days later, during the funeral a suicide bomber blew himself up near Hussain's home in Peshawar, killing eight persons and injuring 15.

As a result of militant activity and military operations in KP and FATA that began in 2008 and continued throughout the year, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the year, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodation, or in camps. The Government and the Office of the UN High Commissioner for Refugees (UNHCR) collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respected these rights in practice. Citizens generally were free to criticize the Government publicly or privately without reprisal; however, they were restricted when criticizing the military. The Government impeded criticism by monitoring political activity and controlling the media, and security forces at times harassed journalists. There were instances of the Government shutting down private television channels and blocking certain media outlets from

broadcasting. Journalists and their families were arrested, beaten, kidnapped, and intimidated by militants and criminal elements, leading many to practice self-censorship.

The independent media were active. Previously unreported events, such as persecution of minorities, were covered; however, the media faced some restrictions. There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information and Broadcasting 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 NGO Intermedia reported that the state broadcaster, Pakistan Television (PTV), did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. The military had its own media monitoring wing, Inter Services Public Relations.

The few small, privately owned wire services and privately owned media outfits generally practiced self-censorship, especially on news reports involving the military. To publish within Azad Kashmir, owners of newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The Government-owned and government-controlled PTV and Pakistan Broadcasting Corporation operated radio stations throughout the country. The Pakistan Electronic Media Regulatory Authority Ordinance did not extend to FATA or the PATA, and independent radio stations were allowed to broadcast in FATA with the permission of FATA Secretariat.

Foreign magazines and newspapers were available, while international press agencies maintained in-country correspondents who operated freely, although some had difficulty receiving journalist visas. There were few restrictions on international media, with the important exception of a complete blockade of Indian television news channels. Private cable and satellite channels broadcast domestic news and were critical of the Government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were available, but sometimes were shut down for periods of time by the Pakistan Electronic Media Regulatory Authority (PEMRA).

In December 2009 the Ministry of Information and Broadcasting issued PEMRA Rules 2009, which contained regulations regarding television channels and a code of conduct for media channels as well as cable operators. The broadcasters asserted that the language of the broadcast laws had been kept vague, leading to instances of abuse and arbitrary broadcast restrictions by PEMRA. According to a September 20 PEMRA press release, "PEMRA has undertaken a series of crackdown against cable operators relaying channels that are not in consonance with PEMRA Laws. This action is in addition to the 50 cable networks seized by PEMRA Authority last week on account of similar violation (unlicensed and unauthorized channels)." In the month of August alone, PEMRA shut down 43 television channels that did not comply with the rules.

On August 8, the transmissions of two of the country's private television news channels, Geo TV and ARY News, were blocked. According to the Daily Mail, the Government prohibited the media from covering an August shoe-throwing incident against President Zardari during a meeting with British Pakistanis in the United Kingdom. The two Pakistani television channels managed to secure footage of the incident, but they had their transmission blocked. According to the Guardian, when some cable operators refused to obey the prohibition and broadcast the footage, gunmen fired at their staff and offices. The offices of two cable operators in Karachi were set on fire when operators refused to shut down transmissions of feeds from GEO TV and ARY News. The Government denied any role in the attacks and termed them a result of a clash between cable operators and the television networks in question. However, a private company blocked the television channels' news signals. In addition, copies of The News and the Daily Jang newspapers were burned, allegedly by activists of the ruling PPP, because they printed news about the shoe incident. According to The Nation, on October 17, the ruling PPP announced a decision to boycott Geo and Jang Group for distributing propaganda against the party since it assumed control of the Government. On October 23, the PPP issued a show-cause notice to former minister of information and current PPP member of the National Assembly Sherry Rehman and suspended Safdar Abbasi, a close confidant of slain former premier Benazir Bhutto, for appearing on Geo TV programs. PPP party supporters later launched violent protests outside Rehman's house in Karachi.

The Government continued to restrict and censor some published material. Foreign books needed to pass government censors before being reprinted, but there were no reports of book bans during the year. Books and magazines could be im-

ported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the Government defined broadly, was subject to seizure.

During the year media outlets and journalists and their families were subject to violence and harassment by security forces, political parties, militants, and other groups. Journalists also were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to a report published in December by the Committee to Protect Journalists (CPJ), eight journalists were killed during the year. There were no reports that authorities had identified suspects in any of the cases, which included the following:

The Daily Times reported that on September 14, journalist Misri Khan was killed in Hangu District, KP, by militants from the TTP, who claimed that “he twisted facts whenever we gave him any reports” and “leaned towards the army.”

On September 16, journalist Mujeebur Rehman Saddiqui, a Daily Pakistan correspondent, was killed by gunmen in Dargai, KP.

According to the CPJ, on November 18, the body of journalist Lala Hameed Baloch, who had been kidnapped in late October, was found along with the body of a second journalist, Hameed Ismail, with gunshot wounds outside of Turbat, Balochistan Province. Baloch’s family, local journalists, and the Pakistan Federal Union of Journalists believed that he was seized by security officials and targeted for his political activism.

During the year there were also a number of reports of journalists being subjected to physical attack, harassment, intimidation, or other forms of pressure, which included the following:

On July 7, the Taliban threw a grenade at the home of Din News television reporter Imran Khan in Bajaur, FATA, injuring eight members of his family. He and his sister had been hospitalized earlier for injuries sustained in a kidnapping attempt.

On July 22, Sarfraz Wistro, the chief reporter of the Daily Ibrat newspaper, was attacked and beaten unconscious by five men near his home in Hyderabad, Sindh.

On September 4, Umar Cheema—the senior member of the investigation cell of a leading media group, The News—was abducted and taken to an unknown location, where he was blindfolded and beaten, had his hair shaved off his head, and was hung upside down and tortured. His abductors threatened more torture if “he didn’t mend his ways” and told him the editor of investigations, Ansar Abbassi, would be next. He was dropped outside of Islamabad six hours later. Cheema went public with the abuse, and The News covered his abduction in detail in print, as did television channels. Police filed a case immediately against the accused, the Government formed a joint investigation team to probe the incident, and the Lahore High Court took notice of the case. As of year’s end, and after nearly four months of investigation, the team had not issued any conclusive findings.

On July 9, the Punjab Assembly unanimously passed a resolution criticizing certain sections of the media for their “irresponsible role” against political and non-political personalities in the wake of reporting on parliamentarians allegedly holding fake or nonrecognized higher education degrees. After widespread criticism and protest rallies by the media and civil society organizations, another promedia resolution was passed by the Punjab Assembly on July 13, acknowledging “journalists’ role in the movements for restoration of democracy and supremacy of judiciary.” Media groups continued to demand the withdrawal of the July 9 resolution.

In August 2009 Daily Asaap, the most widely circulated Urdu-language newspaper in Balochistan Province, suspended publication, citing harassment from security forces. At year’s end the Daily Asaap remained closed.

In December 2009, according to the New York Times, Kamran Shafi, a leading columnist and a former army officer who wrote critically of the military, was harassed and his house allegedly was attacked by elements linked to the security establishment.

Internet Freedom.—Individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, there were reports of some restrictions on access to the Internet and reports that the Government monitored the Internet, some e-mail, and Internet chat rooms. There were also reports that the Government attempted to control some Web sites, including extremist and proindependence Baloch Web sites.

The Prevention of Electronic Crimes Ordinance of 2008, promulgated by President Zardari, is in effect. The ordinance created a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. It also stipulated that cyberterrorism resulting in a death would be punishable by the death penalty or life imprisonment.

In June the Government announced monitoring of major Web sites for anti-Islamic content. The Pakistan Telecommunications Authority (PTA) was given the responsibility by the Ministry of Information and Broadcasting to monitor major Web sites, including Google, Yahoo, Amazon, and MSN, while 17 Web sites containing “blasphemous material” were also blocked. The actions were taken after the Lahore High Court, which was hearing private petitions against blasphemous Web sites, ordered the Government to monitor or block such sites. PTA officials, however, contended that it was not possible to monitor all such Web sites and that such “interference” could affect businesses and discourage on-line commercial activities.

The International Telecommunication Union estimated that there were more than 18.5 million Internet users in the country as of June, and service existed in nearly all of the country’s urban and semiurban areas. Intermedia reported that broadband Internet was accessible in 170 cities and towns. Lack of infrastructure limited public access in rural areas.

There were no reports that the Government attempted to obtain or disclose the personally identifiable information of a person in connection with that person’s expression of beliefs.

In May the PTA blocked the popular social networking Web site Facebook nationwide for 10 days after the Lahore High Court ordered its closure when members utilized the site for a competition to draw caricatures of the Prophet Muhammad.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom. However, members of student organizations, typically with ties to political parties, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. 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 Jamaat-e-Islam), 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 influenced the hiring of staff, admissions to universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response university authorities prohibited political activity on many campuses, but the ban had limited effect.

There was no government interference with most art exhibitions or other musical or cultural activities. However, the Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content in foreign and domestic films before exhibition in the country.

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 persons without police authorization. Under the criminal procedure code, the Government can place a ban on all kinds of rallies and processions, except funeral processions, based on security considerations.

There were reports that police beat demonstrators and shelled them with tear gas. For example, on May 27, police charged teachers protesting in front of the Governor’s House in Karachi, Sindh, resulting in injury to approximately 30 persons and dozens of arrests. Ahmadis also were prohibited from holding conferences or gatherings.

Freedom of Association.—The constitution provides for the right of association subject to restrictions imposed by law. According to the Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

During the year threats to civil society continued, with “softer targets” such as schools, becoming more frequent focuses of attacks. Toward the end of the year, a trend emerged, particularly in the vicinity of Peshawar, of bombs being planted and detonated at schools during times when children could be expected to be present. During the year five such bombings killed 13 students and injured 112.

Security was a problem for NGO workers due to the instability in the FATA and the KP and threats to organizations that promoted women’s rights. By year’s end seven NGO workers had been killed, seven had been kidnapped but later released, and several others had received threats.

International NGOs faced difficulties in obtaining visas for staff members. There were reports that security agencies blocked the issuance of visas for international

staff members due to concerns about their activities and links to foreign governments.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 for uninhibited foreign travel, emigration, and repatriation; the Government limited these rights in practice. The law prohibits travel to Israel, and the country's passports include a statement that they are "valid for all countries except Israel." Government employees and students must obtain "no objection certificates" from the Government before traveling abroad. This requirement rarely was enforced for students.

The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, and other persons of concern. However, the Government's restrictions on access to certain areas of FATA, KP, and Balochistan, often due to security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

Persons on the Exit Control List (ECL) were prohibited from foreign travel. Although 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. The ECL sometimes was used to harass human rights activists or leaders of nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

There were no reports of restrictions on emigration or prohibition against repatriation. The law prohibits forced exile, and no case of forced exile was reported during the year.

Internally Displaced Persons.—The Government does not have laws to protect IDPs, but implemented policies to assist them, meeting some of the UN Guiding Principles on Internal Displacement. The National Database and Registration Authority (NADRA) registered most IDPs and provided them with identity cards in 2009 and early 2010. Registration of women and Ahmadis continued to be a problem. In more conservative regions within the country, particularly rural areas, a women's right to vote or be registered is not recognized. As Ahmadis are not recognized as Muslims in the country, they must declare themselves to be non-Muslim in order to receive a NADRA identity card. For this reason many Ahmadis refused to register. The registration served as a basis for the distribution of cash assistance for many IDPs displaced by conflicts. However, the registration process did not reach all IDPs, since the Government denied registration to IDPs from specific geographical areas that it did not consider conflict areas.

During the year the number of IDPs fluctuated due to militant activity and military operations in KP and FATA, as well as nationwide flooding during the months of August and September.

Population displacement due to militant activity in FATA and KP began in 2008 and a larger population displacement from Lower Dir, Buner, and Swat districts of the KP occurred as a result of military operations beginning in April 2009. The total number of conflict IDPs at its peak in April/May 2009 rose to 3.4 million nationwide. In July 2009 the KP government and the humanitarian community came to an agreement for a voluntary, informed, dignified, safe, and sustainable return of the IDPs. KP authorities, in coordination with the international humanitarian assistance community, implemented a phased, facilitated return plan.

Military operations in FATA at the beginning of the year led to approximately 20,000 new IDPs coming from the Orakzai Agency and the Kurram Agency. Continuing sectarian violence in Kurram further increased the number of displaced families, possibly by an additional 2,000. The military operation launched in September 2009 in Bara (Khyber Agency, FATA) created hundreds of thousands of IDPs, approximately 30,000 of whom continued to be sheltered in Jaloza Camp. A sizeable number continued to live with host families and rented houses away from Bara.

As of mid-December, approximately 1.2 million persons remained displaced in KP. The majority of conflict-affected IDPs resided with host families, in rented accommodations, or, to a lesser extent, in camps. The Government continued to consolidate and close IDP camps during the year. Of the few remaining, Jaloza camp in Nowshera District of KP hosted the largest in-camp conflict-affected IDP population, with an estimated 96,000 residents, mostly from Bajaur Agency.

A survey conducted in October by the UNHCR among IDPs from South Waziristan sheltering in Dera Ismail (DI) Khan and Tank districts revealed that 85

percent of those surveyed wanted to return to their areas of origin; of this number, 44 percent felt comfortable returning immediately. The Government continued to facilitate voluntary returns to Orakzai and South Waziristan agencies with support from the international humanitarian community. As of December 23, the UN reported that 4,664 families had returned to Orakzai and 307 families had returned to South Waziristan.

The Government severely restricted humanitarian organizations' access to parts of FATA and KP, particularly to South and North Waziristan and DI Khan and Tank districts, during the year. With the onset of the flooding, however, some humanitarian space opened in northwest Pakistan, with the Government easing access requirements, such as temporarily waiving certain requirements for visas and no-objection certificates.

The HRCP invited the Government to develop a template for protection and assistance of IDPs. In its report, *Internal Displacement in Pakistan: Contemporary Challenges*, the commission recommended proactive measures for averting displacement, mainly by early identification of threats, close and continued assessment and monitoring of risks, and adoption of appropriate responses. The report noted that "provisions must be made for individuals who face additional vulnerabilities on account of their age, gender, religious beliefs, health condition and physical and mental disabilities." Referring to the UN Guiding Principles on Internal Displacement, the report also noted that prior to any decision requiring the displacement of persons, authorities should ensure that all feasible alternatives are explored to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects. The report underlined the need for making efforts to mitigate the impact on the affected population in cases where displacement is unavoidable, adding that there must be greater recognition of the importance of assisting the displaced persons beyond the immediate emergency response and of assessing and responding to the needs of the affected population throughout the various phases of displacement.

According to the UN Children's Fund (UNICEF), nearly 50 percent of the estimated two million IDPs from Swat in July 2009 were children, many of them in urgent need of health and educational services, nutritional support, access to clean water and sanitation, in addition to protection.

According to *The News*, children in KP were most vulnerable to the effects of the insurgency before, during, and after their displacement. Loss of family members and exposure to horrific violence left many struggling with a sense of uncertainty, insecurity, and fear.

On July 29, floods of unprecedented proportions began. By the end of August, approximately 61,800 square miles were flooded. The flooding created a humanitarian crisis throughout the country, killing more than 1,900 persons and affecting approximately 20 million others. The number and location of citizens displaced fluctuated as the waters moved downstream, overflowing both banks of the Indus River. According to the UNHCR, as of December 14, the number of camps for flood-affected persons in Sindh Province had dropped significantly from 4,800 at the height of the crisis to 340, with dozens of camps being closed daily; the camp population in Sindh in mid-December stood at 128,000. In Balochistan Province, an analysis conducted by the Balochistan Rural Support Program indicated that 7,759 families were residing in camps in the province during the first week of the emergency, while the number had dropped to 4,315 families in week eight. The UNHCR reported that only 12 IDP camps remained operational in Balochistan as of mid-December. In KP Province in mid-December, the UNHCR was profiling 3,300 families scattered in 39 spontaneous camps. In Punjab Province, more than 95 percent of the flood-affected persons had gone back to their homes by mid-December.

The Government (including provincial governments) launched rescue and relief operations conducted by the National Disaster Management Authority (NDMA) at the federal level and by relevant agencies at the provincial level, assisted by the country's military, foreign military units, various UN agencies, the Pakistani Red Crescent, and the ICRC. More than 20,000 army troops including medical teams, along with dozens of helicopters, several C-130 aircraft, and over 1,000 boats, were mobilized to undertake flood relief and search and rescue operations throughout the country and distribute relief supplies to displaced and isolated populations. Simultaneous work was undertaken to strengthen banks vulnerable to floods. In some places breaches were engineered to control floods and disrupted communication networks were quickly restored by temporary structures.

On September 8, the NDMA announced the registration and compensation process for flood-affected families. The program called for providing 20,000 rupees (approximately \$235) to each of the approximately 3.4 million flood-affected families. The

compensation registration process was to be led by provincial social welfare departments, with assistance from the UNHCR and the NADRA.

As of late October, the NDMA reported the distribution of more than 1.1 million blankets, 184,035 tons of food items, and the rescue of almost 1.4 million persons. A broad range of NGOs also worked with the Government to provide emergency relief and early recovery support to the affected populations throughout the country, including clean water, food, shelter, and basic health care.

The country's media and humanitarian assistance providers reported instances of alleged discrimination in the distribution of food and relief items on ethnic, nationality, religious, social, or other grounds, including gender. The Government asked humanitarian organizations to report any such instances to NDMA. In Balochistan, the UNHCR reported cases where beneficiaries were charged money to receive Watan cards (government-provided cash cards) and instances of gender-based violence related to the abduction of girls, forced marriages, and domestic violence.

The Government coordinated with the Office of the High Commissioner for Human Rights for the voluntary and safe return of IDPs. For IDPs that were not ready to return, the Government coordinated support for IDP camps with the UNHCR and other international organizations. The WFP distributed food rations to the IDPs displaced by conflict.

Protection of Refugees.—The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. There is no legislation that provides for asylum or refugee status. Although there is no legislation excluding asylum seekers and refugees from the provisions of the Foreigners Act regarding illegal entry and stay or conferring legal status, the Government in most cases provided protection against the expulsion or involuntary return of refugees to countries where their lives or freedom would be threatened. The country is a member of the UNHCR's governing executive committee and cooperated with the UNHCR in protecting, assisting, and repatriating Afghan refugees.

Since 1979 the Government has provided temporary protection to millions of refugees from Afghanistan. According to the UNHCR, at the end of the year, an estimated 1.6 million registered Afghan refugees remained in the country, while another 104,331 voluntarily repatriated to Afghanistan during the year. There were no credible estimates of how many Afghans were undocumented or unregistered, but rough estimates put the number at more than one million. At the end of December 2009, Afghan refugees' proof of registration (PoR) cards expired; however, on March 24, Prime Minister Gilani extended PoR status through December 2012. The new PoR cards were more durable and had features that made duplication more difficult (i.e., holographic lamination). In addition, as of September the NADRA agreed to issue Afghan birth certificates at PoR card renewal centers to all Afghan children under the age of 18 born in the country (as opposed to only issuing birth certificates to Afghans born in refugee camps).

On May 7, the UNHCR-Afghanistan-Pakistan Tripartite Agreement governing the voluntary repatriation of registered Afghan refugees was extended until the end of 2012. Under the agreement the three parties reaffirmed their commitment to the voluntary, gradual, and dignified return of Afghan refugees. However, from January to July, the Government deported 240 Afghans with PoR cards. There were also credible allegations that the Government deported between 50 and 60 unregistered Afghans per week.

According to the UNHCR, less than half of registered Afghan refugees lived in 84 refugee villages in KP (71), Balochistan (12), and Punjab (one). Close to 60 percent of the registered Afghans lived in urban areas. More than half of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

Refugees were not allowed to work legally. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces such as morgues.

Police in some cases demanded bribes from refugees. There were credible reports that members of the intelligence services also harassed refugees. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates and terrorism. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

The floods did not affect refugee access to services, except in the case of the Afghan refugee village of Azakhel, KP, where the Government did not authorize the former residents to return to their destroyed village to rebuild it. At the end of the year, 3,000 refugee families were still displaced, living in tents in the proximity of the village, or staying with relatives or in rented rooms. The UNHCR was assisting

these families until the Government authorized them to return to the village, which stands on valuable land over which there are competing property claims.

Afghan refugees could avail themselves of the services of police and courts, but some, particularly the poor, were afraid to do so. Every refugee who registered with both the UNHCR and the Government-run Commission for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. In practice there were no reports of refugees being denied access to health facilities.

The country lacks a legal and regulatory framework for the management of refugees and migration.

In many instances the rights of refugees and services to which Afghans can or cannot have access were open to local government or even individual interpretation. For example, the State Bank governor decided that Afghans could not have bank accounts, but NADRA regularly verified for banks the identity of refugees who wished to open accounts.

Although there is no legislation specifically permitting Afghans to obtain a driver's license, Afghans drove a large percentage of the trucks in the KP. Although there were a number of Afghan schools funded by foreign assistance, Afghan children usually had no problem attending the country's primary schools. For older students, particularly in cities, access was harder. Even Afghans who grew up in the country needed a student visa to attend the country's universities, but they qualified for a student visa on the basis of their PoR card. In some cases of particularly serious crimes, the UNHCR took up legal cases on behalf of refugee victims.

The Government did not accept refugees for resettlement from other countries or facilitate local integration. While the Government did not have a system to confer refugee status or asylum, it generally abstained from forcibly returning Afghans and other foreigners with PoR cards.

Stateless Persons—The UNHCR reported that statelessness emerged as an issue in the country during the year. There is no national legislation on statelessness. The stateless persons in the country were primarily individuals with links to Bangladesh. The UNHCR reported that while accurate data was not available, various sources put the number of affected persons in the thousands.

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

The law provides the majority of citizens with the right to change their government peacefully, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, Azad Kashmir, and FATA had different political systems, and of these only FATA had representation in the national parliament. Under the 18th amendment to the constitution, adopted in April, the president's power to dissolve parliament was relinquished and shifted to the prime minister.

Residents of Gilgit-Baltistan did not have representation in the national parliament. In September 2009 President Zardari signed the Gilgit-Baltistan Empowerment and Self-Governance Order, under which the portions of the country known as the Northern Areas were afforded attributes of a province and renamed Gilgit-Baltistan (although still without parliamentary representation).

Residents of FATA were represented in the national parliament but did 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, since unelected civil bureaucrats nominally ran 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 FATA, and no political party can legally campaign or operate an office there. In March Prime Minister Gilani announced the Government's intention to extend the act to FATA after peace is restored there; by year's end he had not signed the necessary order. Some political parties asserted that this prohibition on political party activity was void because religious-based parties openly campaigned in FATA, despite the law.

Azad Kashmir did not have representation in the national parliament. Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president who is elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections, and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, the federal government exercises considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercises significant influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri

assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir's accession to the country were barred from the political process, government employment, and educational institutions. They were also subject to surveillance, harassment, and sometimes imprisonment by security services. The 2006 legislative elections in Azad Kashmir were marred by allegations of rigging.

Elections and Political Participation.—In 2008 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 Syed Yousuf Gilani. The elections were postponed multiple times, the last time due to the assassination of PPP leader Benazir Bhutto in 2007. In the 2008 indirect presidential election, Asif Ali Zardari, the widower of Bhutto, became president, succeeding Pervez Musharraf, who had resigned. The broad coalition government was dissolved in 2009, leaving the PPP to govern with a smaller majority in league with several partners.

For the 2008 elections, the Election Commission of Pakistan (ECP) reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU and Democracy International also observed. In 2008, for the first time in the country's history, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency.

The Government permitted all existing political parties to contest the elections; although several boycotted, the largest parties participated. The Government required voters to indicate their religion when registering to vote. The Ahmadi community rejected the country's legal prohibition on the Ahmadis being called Muslims. In order to register to vote, the Government required Ahmadis to declare themselves as non-Muslims; as a result, the Ahmadis boycotted the elections. International and domestic observers found the 2008 parliamentary election competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process.

Security services and feudal landlords intimidated voters and political parties throughout the country, according to FAFEN. In particular, observers noted that some 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 certain parties. FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The International Foundation for Electoral Systems noted that formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

There are no laws that prevent women from voting; however, cultural and traditional barriers in tribal and rural areas impeded some women. Women participated in political life. 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. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections to the general seats. There were five women in the federal cabinet. In 2008, for the first time in the country's history, the National Assembly elected a female speaker, Fahmida Mirza. Of the 758 seats in provincial assemblies, there were 128 reserved for women. One-third of the seats in local councils were reserved for women. Provincial chief ministers named women to serve in their cabinets. In some districts, social and religious conservatives prevented women from becoming candidates. Women also participated actively as political party members, but were not always successful in securing leadership positions within parties, with the exception of in the women's wing.

The 18th amendment to the constitution that passed in April reserved four seats to the Senate for religious minorities. There were 10 religious minority members in reserved seats in the National Assembly, and one served in the cabinet as the federal minister of minorities. Such seats were apportioned to parties based on the percentage of seats each won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab; nine in Sindh; three in the KP; and three in Balochistan.

The first elections in Gilgit Baltistan were held in November 2009 for a 24-member legislative assembly, with the PPP winning the majority of the votes. Syed Mehdi Shah of the PPP was chosen as the first-ever chief minister, replacing direct rule by the federal government. According to a preelection analysis by FAFEN, government interference, weak administration, procedural irregularities, and erroneous voter lists affected the election results. Although the election was largely peaceful,

two persons were killed and at least 40 were injured in several incidents of violence. On March 23, Shama Khalid took the oath as governor of Gilgit-Baltistan, becoming the country's second-ever female governor of a province; however, she died from cancer on September 15.

Section 4. Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The NAB established accountability courts to consider corruption cases (see section 1.d., arrest procedures). Some human rights groups charged that the NAB was a deviation from the normal justice system and that the Government influenced the NAB. However, the NAB took on cases of embezzlement, bank loan defaults, pension scams, and illegal kickback schemes, among others.

Corruption was pervasive in politics and government and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. According to a July Transparency International report, corruption perception worsened compared with 2009. The report indicated a rise in corruption, to 223 billion rupees (\$2.6 billion) during the year from 195 billion rupees (\$2.3 billion) in 2009. The police and the bureaucracy continued to be seen as the two most corrupt public sector institutions.

A 2007 NRO, promulgated under President Musharraf, provided an amnesty mechanism for public officials who were charged, but not convicted, in cases filed between 1986 and 1999. In December 2009 the Supreme Court declared the NRO null and void, reopening all 8,000 cases against those who had received amnesty, including the president, ministers, and parliamentarians. However, on January 16, the Zardari government filed a petition challenging the Supreme Court's 2009 decision, requesting its review. As of year's end, the issue remained unresolved.

In light of the NRO being struck down, the Supreme Court ordered the Government to request that Swiss authorities reopen the money laundering case in Switzerland that had been brought against President Zardari. As of year's end, the Government had not complied with the order. In addition, Swiss judicial authorities reportedly cited presidential immunity and did not independently reopen the case. Both President Zardari and the late PPP leader Benazir Bhutto had been convicted by a Geneva court in 2003 of laundering \$13 million linked to kickbacks, but the verdict was overturned on appeal. In 2008 Swiss judicial authorities stated that they had closed the money laundering case against Zardari and had released \$60 million frozen for a decade in Swiss accounts.

In another high profile case in May, the NAB assisted in extraditing former Punjab Bank president Hamesh Khan. He was accused in a nine-billion-rupee (\$105 million-dollar) scam. His case was pending at year's end.

Corruption within the lower levels of the police was common. The July survey by Transparency International noted that the major cause of corruption was lack of accountability, followed by lack of merit and low salaries. Some police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that SHO's appointments were politicized.

Anecdotal reports persisted about corruption in the district and sessions courts, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked the requisite independence and sometimes were pressured by superior court judges how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the Government's control over the court system.

The 2002 Freedom of Information Ordinance allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. The bodies must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those that would be harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

Section 5. 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. Other groups that reported on issues implicating the Government, military, or intelligence services faced restrictions on their operations. There were very few NGOs with access to KP, the FATA, and some areas in Balochistan. While government officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The PPP-led government delayed or blocked issuance of visas to international staff members of organizations whose work challenged the image of the Government.

The Government sometimes 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 access to police stations and prisons.

The Government permitted international nongovernmental human rights observers to visit the country. The ICRC and many agencies of the UN had offices in the country, including the UNHCR, UNICEF, and the UN Development Program.

The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful forums in which to raise public awareness of such problems, but their final decisions generally adhered to government policy. The committees did not have the resources to do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several areas.

Section 6. 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 there was significant discrimination based on each of these factors.

Women.—Rape, other than by one's spouse, is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is either death or life imprisonment, but sentences were often less severe. Although rape was frequent, prosecutions were rare.

The 2006 WPA 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 WPA police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's consent. A provision in the WPA also modified the complaint procedure in rape cases. Instead of a FIR, it requires a complaint to be made directly to a sessions court. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it difficult for women to go to the police, NGOs reported that this created other barriers for rape victims who did not have money or access to the courts. A February 2009 ruling by the Federal Shariat Court invalidated a 25-year-old legal provision allowing a man accused of rape to question the credibility of the victim by offering evidence that she was "of generally immoral character."

There were no reliable national statistics on rape due to the underreporting and the lack of a central law enforcement data collection system. However, based on media reports, the NGO Aurat Foundation reported that 928 women were raped during the year.

Prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to assess real cases and proceed with prosecution. NGOs reported that police at times were implicated in rape cases. NGOs also alleged that police sometimes abused or threatened victims, demanding that they drop charges, especially when police received a bribe from suspected perpetrators. Some police demanded bribes from some victims before registering rape charges, and investigations were sometimes superficial. While the use of postrape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions.

On June 27, the Daily Times reported that the body of Sabir Soomro, the brother of Kainat Soomro, a 2007 gang rape victim, was found near Khuzdar, Balochistan. He had disappeared in March on his way to his sister's hearing. The family alleged that the perpetrators kidnapped him with the help of police to pressure the family into withdrawing the case. All four accused men previously had been acquitted and released. On June 28, President Zardari took notice of the case and ordered a new inquiry; at year's end there was no new information on the inquiry.

There were no developments in the July 2009 case of Assiya Rafiq, who allegedly was held for eight months, repeatedly raped, and then handed over to the Khanewal, Punjab, police, who allegedly raped her over the course of 14 days.

According to a report by the Interior Ministry, during the previous three years, the number of cases of torture and rape by police officials increased by 60 percent. The report stated that 178 police officers in Punjab were involved in rape and other human rights violations, of which 89 were sent to jail. The report found that, during the previous two years, 10 police officers in Balochistan were found guilty of human rights violations and violence against women.

On February 21, the HRCP reported that a 17-year-old Hindu girl, Kasturi Kohli, from Nagarparker, Sindh, was kidnapped on January 24 and gang-raped by an influential landlord, Ramzan Khoso, and his accomplices. Community members protested police reluctance to register the case and approached the Sindh High Court, which then ordered the police to file a FIR. Four persons were charged: Habibullah Khoso, Ramzan Khoso, Ghulam Nabi Khoso, and Veroo Mehraj. No arrests had been made by year's end.

According to the AHRC, on October 26, 13-year-old Naveeda Kalhor of Sindh Province allegedly was abducted and gang-raped by two lawyers from the Peoples Lawyer Forum, a legal body affiliated with the ruling PPP. Charges were later dropped by police due to pressure from the ruling party and a member of the provincial assembly from the area.

The AHRC reported that Ruby Masih was picked up by police officers and taken to a private detention center, where she was gang-raped for more than 50 days (from August 10 until September 30). Masih's case against the accused officers was dropped due to a jurisdictional issue.

There were no new developments reported in the June 2009 case of the alleged gang rape and killing of a 15-year-old girl by Iftikhar Ahmad and other hospital staff in Sheikhpura, Punjab, or in the October 2009 case of 16-year-old Ruby Perveen, who was allegedly kidnapped and gang-raped by five men, including Qiaser Shahzad, Adeel Shahzad, and Irshad Shahzad, sons of a political party leader. The girl's family disputed the police claim that an out-of-court settlement was arranged.

In November 2009 three of the five alleged perpetrators in the 2008 gang rape case of an 18-year-old woman in Mazar-e-Quaid, Karachi, Sindh, were arrested. According to reports, two were released by police. There were no other updates on the case.

There were no developments in the 2008 rape case of a seven-year-old girl by two men in Lahore; the 2008 case in which a group of men kidnapped, raped, and killed a 13-year-old schoolgirl in Rawalpindi; or the 2008 case of a woman in Mandi Bahauddin, who was kidnapped, gang-raped, and severely burned with acid before being killed.

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 five men, whose original conviction the Lahore High Court overturned, be rearrested and held without bail. During the year Mai lived in her village in Punjab with police protection, and the 13 men allegedly involved in the gang rape were in prison.

Domestic violence was a widespread and serious problem. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the cases of reported violence against women increased 12.5 percent from the previous year. The foundation reported that during the year 1,436 women were killed, 2,236 were abducted, 486 were victims of domestic violence, 74 were sexually assaulted, 32 were victims of acid attacks, and 633 women committed suicide. The HRCP reported that there were 371 incidents of domestic violence against women, including 82 attempted killings, 62 being set on fire, 12 burned by kerosene stoves, and 30 acid attacks. In addition, 655 women committed suicide, and another 382 women attempted suicide.

According to a 2008 HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands, and nearly 50 percent of wives in developed urban areas admitted that their husbands beat them.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically 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 due to fear of dishonoring the family.

To address societal norms that frown on victims who report gender-based violence and abuse, the Government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. There were at least eight women's police stations in the country, located in Quetta, Islamabad, Peshawar, Karachi, Hyderabad, Larkana, Lahore, and Faisalabad. The first was established in 1994 in Karachi. However, they were poorly staffed and equipped.

There is no specific law against domestic violence.

The Government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims were later referred to "darul aman" (approximately 200 centers for women and child victims established under the Provincial Women Development Department funds). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers were full beyond capacity and lacked sufficient staff and resources. In some cases women were abused at the Government-run shelters. Women were victims of various types of societal violence and abuse, including "honor killings," mutilation, forced marriages, imposed isolation, and being used to settle disputes. Women often were treated as the property or goods of their families, and perpetrators were often husbands and other male family members.

Every year hundreds of women reportedly were killed in the name of honor. Many cases went unreported and unpunished. The News reported that in 2009, 29 women and 15 men were killed in 25 honor-killing incidents in KP. During the year 39 women and 29 men were killed in 20 incidents of honor killing. The HRCP reported that during the year there were 790 honor killings in the country. The practice of "karo-kari," which occurred in Sindh Province, continued across the country. Karo-kari is a form of premeditated honor killing that occurs if a tribal court or jirga determines that adultery or some other "crime of honor" occurred. Karo-kari means "black male" (karo) and "black female" (kari), metaphoric terms for someone who has dishonored the family or is an adulterer and adulteress. Once a woman is labeled as a kari, male family members have the self-authorized justification to kill her and any coaccused karo to restore family honor. In many cases the karo is not killed or is able to flee.

The Criminal Law (Amendment) Act of 2005 increased penalties for karo-kari and other forms of honor killing. However, human rights groups criticized the act because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges, known as "qisas" and "diyat."

Police in Sindh have established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take action against perpetrators.

Many young girls and women were victims of forced marriages arranged by their families. Forced marriage was made a criminal offense in 2007; while many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families continued the practice of sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and the KP. In rural Sindh landowning families continued the practice of "marriage to the Qur'an" to avoid division of property. Property of women married to the Qur'an remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any man older than 14. These women are expected to stay in the home and not contact anyone outside their family.

There continued to be cases of societal violence and abuses directed at women. For example, in September a Dubai-based television station, Al-Aan, released a video of a veiled woman being stoned to death in the northwest by Taliban militants. It was reported that she was punished because she was seen with a man.

On January 19, a 12-year-old Christian housemaid named Shazia Masih was tortured in Lahore by her employers and died three days later from her injuries. A case was filed against her employers, including the main person accused, Chaudhry Naeem, a former head of the Lahore Bar Association. Prior to the trial, more than 300 lawyers reportedly mobbed preliminary court hearings and threatened to burn the home of any prosecution lawyer for Masih's family. According to *The Nation*, on November 25, Judge Chaudhry Ameer Muhammad Khan acquitted Naeem, as the prosecution failed to prove charges against the accused. The court also acquitted Naeem's son, Haris Naeem, and wife, Ghazala Naeem. The judge exonerated another individual accused of taking Masih to the lawyer's family as a child laborer.

In May the AHRC reported that a tribal court in Khaipur Mirs, Sindh, determined 21-year-old Azra Ali Drigh to be a *kari* and sentenced her to death for wanting to marry outside of her tribe. The court allegedly was chaired by the bride's uncle, a police officer, and her father, also an officer. Sindh Minister for Human Rights Nadia Gabol ordered the inspector general of police to investigate the case and take action against officials who had refused to register the case. At year's end the sentence had not been carried out.

On July 1, the *Express Tribune* reported that 17-year-old Sania Bibi was killed by her uncle near Islamabad for allegedly marrying a person of her own choice and going against the family's will. Earlier, Bibi's family had lodged a kidnapping case against the man she decided to marry; however, Bibi told the court that no kidnapping had occurred.

On July 5, *Dawn* reported that a group of 14 persons stripped naked a 50-year-old woman, Allah Wasai, and her 14-year-old daughter, Ashraf Mai, in Shehr Sultan, Punjab, while a crowd of onlookers offered them no assistance. According to police, the accused claimed that their actions were in retaliation for an earlier dispute with another group (with which the women were associated) over irrigation water. Several persons from both groups were injured during the dispute. After the Lahore High Court initiated action, police arrested three of the accused, while the others remained at large.

On July 20, the *Express Tribune* reported that 13-year-old Sadia fled her home in Sheikhpura, Punjab, the night before her father and uncle could force her to marry a 55-year-old man in exchange for 70,000 rupees (approximately \$800). The Lahore High Court ordered the police to provide her with protection and to have her summoned on July 27. However, on July 25, she was kidnapped, allegedly by other male relatives, and remained missing at year's end.

There were no developments in the June 2009 case of a woman who had married against her family's wishes and was later killed, along with her husband's father, mother, and sister, in Charsadda, KP.

There were no developments in the 2008 case of two teenage girls and three women in Baba Kot, Balochistan, who allegedly were buried alive in an honor killing. After the case prompted media controversy and criticism by politicians and human rights groups, the federal government and the provincial government initiated an investigation, and police arrested seven suspects. At year's end the case was pending in court.

Sexual harassment was a widespread problem. Press reports indicated that harassment was especially high among domestic workers and nurses. In a survey conducted by the *Daily Times* in August, female government and private-sector employees complained about the abusive behavior of their male colleagues as well as senior officials. They said that some officers sought "undue favors" by blocking salaries, benefits, promotions, as well as transfers and postings.

In March the Government passed two laws against sexual harassment in the workplace. The Criminal Law (Amendment) Act amended the penal code and the code of criminal procedure, making workplace harassment against women punishable with imprisonment of up to three years or a fine of 500,000 rupees (\$5,880) or both.

The second, more comprehensive law, the Protection against Harassment at the Workplace Act of 2010, includes a more detailed definition of harassment and proposes a code of conduct as a guideline for workplace behavior. The law requires every institution, public or private, to form a committee to receive complaints of sexual harassment and to institute a code of conduct prescribed by the law as a part of its human resource policies. On July 5, the National Commission on the Status of Women informed the media that 40 ministries and departments working under the federal government had complied with the law and incorporated the code of conduct into their policies. However, women's rights groups demanded further implementation.

According to the AHRC, in May 2009 Maheen Usmani, a senior anchorperson for *Dunya Television News* in Islamabad, allegedly received two late-night telephone

calls from Yusuf Baig Mirza, the channel's managing director, in which he made inappropriate comments. Usmani informed the channel's director of news and chief executive officer, but no action was taken. She claimed that she experienced professional setbacks; on June 15, she resigned, citing "continued harassment, coercion, and highly unethical conduct of the top management of Dunya News." An internal investigation committee and the National Press Club investigated the claim, but there was no progress by year's end. Mirza filed two defamation lawsuits against Usmani, who was approached with offers of money and jobs in exchange for dropping the case.

According to *The Nation*, M. Zar Nigar Ali of PTV accused the head of the current affairs department, Tahir Mahmood, of sexual harassment and threatening behavior. Ali allegedly received late-night telephone calls from Mahmood in which he made threats if she did not reciprocate his advances.

Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and rights and often lacked information and means to access care. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy.

According to the UN Population Fund's (UNFPA) 2007 data, 22 percent of women between the ages 15 and 49 used modern contraceptive methods. Access to contraception remained very low in the rural areas compared with urban areas (18 percent and 30 percent, respectively). Only 39 percent of births took place in the presence of a skilled birth attendant. An assessment by the Population Council of postpartum care in low socioeconomic-level settlements, where few women attended the recommended six weekly postpartum visits, indicated that spousal opposition was the main reason for not opting to delay the next pregnancy and use contraception. According to the 2006-2007 Demographic and Health Survey, 35 percent of women received no prenatal care.

According to a 2007 UNFPA estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. According to UNICEF's 2009 State of the World's Children Report, the country had a rate of 276 maternal deaths per 100,000 live births; the high maternal mortality rate was attributed to lack of information and services. Women in rural areas were twice at risk of dying of birth-related causes than women in urban areas (maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF, the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA. In a conservative society, women and children are also the most vulnerable to economic shocks and natural disasters.

Women were less likely than men to be diagnosed and treated for sexually transmitted infections, including HIV, due to the social stigma attached to visiting a doctor, among other factors. According to the National AIDS Control Program, the country had an estimated 97,400 HIV cases, of which approximately 27,000 were women age 15 or older. Although HIV prevalence among women was less than 1 percent, some groups of women, including professional prostitutes, women and girls forced into prostitution, and wives of migrant workers were highly vulnerable.

Women also faced legal and economic discrimination. 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 protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. However, 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 as their families ostracized them. Women are legally free to marry without family consent, but women who did so were often ostracized or faced becoming the victims of honor crimes.

The country's inheritance law also clearly discriminates against women. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal entitlement.

Women also 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 contin-

ued the traditional practice of sequestering women from all contact with men other than relatives.

Children.—Citizenship is derived through the citizenship of the father or grandfather, who must have been Pakistani citizens before 1971.

Women can acquire citizenship through marriage to a Pakistani man; it is unclear whether a man can acquire citizenship through marriage to a Pakistani woman. Reporting of births is voluntary, and records are not uniformly kept, particularly in rural areas where children are born at home. In lieu of a birth certificate, individuals often used school records attested by the headmaster or principal of the school or matriculation certificates, both of which identify the father and the date of birth. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. The number of unregistered births was not available. While the Government sometimes reported that more than 75 percent of the population was registered, actual figures may be lower. Public services, such as education and health care, were still available to children without a birth certificate.

The 18th amendment to the constitution mandates that the Government provide free and compulsory education to all children between the ages of five and 16. In practice government schools often charged parents for the cost of books, uniforms, and other materials. Parents of lower socioeconomic means sometimes chose to send children to madrassas, where they received free room and board, or to NGO-operated schools. Studies showed that one-third of the children who attended school attended nongovernmental schools.

Slightly more than 50 percent of the population over the age of 10 is literate. More than 40 percent of girls never enroll in school. This was often perceived as parental lack of desire to send girls to school; however, a 2009 survey indicated that only 6 percent of the population was in favor of banning girls' education. The biggest barrier to girls' education is the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be separate after primary school, the Government often failed to take measures to provide separate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than boys across the board.

On February 3, extremists in KP bombed a girls' school, which had just been rebuilt after a previous attack. Four students were killed, and more than 60 were injured. On November 21, Geo News reported that extremists bombed a government-run girls' primary school in KP.

Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child abuse was widespread. Young girls and boys used as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. Lawyers for Human Rights and Legal Aid (LHRLA) reported that, of 5,120 cases of reported violence and abuse against children, 2,209 cases were reported from the Punjab, 1,529 from Sindh, 929 from Khyber-Pakhtunkhwa, and 453 from Balochistan. According to the data from the LHRLA, 1,062 children were killed and 916 others were injured. In addition, there were reports of 288 children being raped, 149 sodomized, and 211 otherwise sexually assaulted. Similarly, there were reports of 648 children molested, 572 tortured, 200 trafficked, and 364 missing, while 202 children committed suicide. One hundred and twenty-one children were killed on the pretext of karo-kari, 799 were kidnapped, and 167 were forced to marry. Despite the Child Marriage Restraint Act, which prohibits child marriage, child marriages occurred. The act sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, 1,000 rupees (approximately \$12), or both. In practice the penalties were too low to have any deterrent effect. Also, the lower minimum age for girls was discriminatory. During the year the LHRLA reported 70 cases of forced and "vani" marriages (handing over women as compensation for crimes or for resolution of a dispute), some of which may have been child marriages.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In 2008 the Family Planning Association of Pakistan estimated that child marriages made up 32 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

The penal code defines statutory rape as sexual intercourse with a female younger than 16. The punishment for rape is death or imprisonment for 10 to 25 years and a fine. Gang rape is punishable by death or life imprisonment. Child pornography

is illegal under obscenity laws. According to the Edhi Foundation, there were 1,210 dead infants found during the year, up from 890 in 2008 and 999 in 2009. The death toll was far greater among girls; nine of 10 dead babies that the charity found were girls. Edhi reported that up to 200 babies are left in its 400 cradles nationwide each year and that it handles thousands of requests for adoption by childless couples. According to law anyone found to have abandoned an infant can be jailed for seven years, while anyone guilty of secretly burying a child can be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as 12 were arrested under the Antiterrorism Act. Children convicted under the act could be sentenced to death, although no case existed of a child being executed under the act. There were no known limits on child IDPs' access to government services, although some civil society organizations demanded improvement in these services.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Although there were no known Jewish communities in the country, anti-Semitic sentiments were commonly found in the vernacular press.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. The Ministry of Social Welfare and Special Education and its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, are responsible for protecting the rights of persons with disabilities. In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the education needs of disabled persons.

There are employment quotas at federal and provincial levels that require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice this right was only partially protected due to a lack of adequate enforcement mechanisms. Families cared for most individuals who had physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The NCRD provided job placement and loan facilities as well as subsistence funding. The council also operated the Pakistan Society for the Rehabilitation of the Disabled, which provided rehabilitation, vocational training, and medical support to persons with disabilities.

In August 2009 President Zardari launched the "special persons-special cards" initiative, under which persons with disabilities received reduced prices for a number of services, including transportation and financial services. The initiative also included measures to provide disabled persons with greater physical access to public facilities. On July 7, The News quoted Federal Minister for Social Welfare and Special Education Samina Khalid Ghurki as saying that her ministry had issued 100,000 special identity cards to persons with disabilities that allowed them to receive discounted passenger fares on Pakistan International Airlines and Pakistan Railways.

There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Systematic discrimination against national, ethnic, and racial minorities was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Homosexual intercourse is a criminal offense; in practice, the Government rarely prosecuted cases. Gays and lesbians rarely revealed their sexual orientation. There are no laws to protect against discrimination on the basis of sexual orientation.

Society generally shunned transvestites, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution.

Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras' families often denied them their fair share of inherited property.

On May 25, police arrested a fertilizer dealer, Malik Mohammed Iqbal, and a teenage eunuch in Peshawar for trying to marry. The police proposed the charge of "unnatural sexual offense" against the accused, for which the maximum punishment is life imprisonment.

In July 2009 the Supreme Court stated that hijras were equal citizens and ordered provincial social welfare departments to survey and register hijras and to provide them benefits from the Government's financial support mechanisms, such as the Benazir Income Support Program. In December 2009 the Supreme Court ordered authorities to allow transvestites and eunuchs to identify themselves as a distinct gender and ordered the Government to give national identity cards to members of the community. The Supreme Court also ordered that district administrations assist them in obtaining inheritance rights after tracing their families.

Other Societal Violence or Discrimination.—Societal attitudes toward HIV-positive individuals were changing, but social discrimination continued. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. The National Aids Control Program (NACP) estimated that there were approximately 97,400 HIV-positive individuals but that only 5 percent were recorded. In addition to operating treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The Ministry of Health has established 13 HIV treatment and care centers nationwide that provided comprehensive HIV care services.

Section 7. Worker Rights

a. The Right of Association.—The constitution states that "every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law." According to NGOs and the Economic Survey of Pakistan, the total workforce was approximately 51.8 million. Labor groups and International Labor Organization figures indicated that approximately 3 percent of the total estimated workforce was unionized.

The 18th amendment to the constitution devolved matters pertaining to labor legislation and policies to the four provinces. It stipulates that in the interim period, laws would remain in force "until altered, repealed or amended by the competent authority" (i.e., the provincial governments). An 18th amendment commission was established to implement the transition by June 30, 2011.

Labor groups, international organizations, and NGOs expressed concern about the devolution, noting that certain labor issues were the purview of the federal government, including minimum wages, workers' rights, national labor standards, and observance of international labor conventions. Observers also raised concerns about the provinces' varying capacity and commitment to adopt and enforce adequate labor laws. Labor unions submitted at least two petitions to the Supreme Court challenging the full devolution of labor issues to the provinces.

Ten days after the 18th amendment went into effect at the end of April, the Industrial Relations Act 2008 (IRA) expired. The IRA had provided the terms for worker rights, including the rights of association, organizing, and collective bargaining. The IRA also dealt with the registration of trade unions and the establishment of labor courts, a labor appellate tribunal, and the National Industrial Relations Commission.

The IRA had been considered weak legislation by labor unions and workers' rights groups, and the Ministry of Labor and Manpower had been working on draft legislation since its passage to strengthen the ordinance. At year's end the Federal Ministry of Labor no longer had legislative authority, and all four provinces had passed their own versions of the IRA. All four provinces used almost the exact same language as the IRA in their legislation. However, labor groups noted this was done without consultation and without any attempt to address previously identified shortcomings of the IRA. At year's end, numerous questions remained unresolved, including the status of national labor unions and the Pakistani Workers Fund.

The constitution protects the right of association, but according to the 1973 Civil Servants Act, civil servants may establish associations but may not form or join trade unions. The IRA expanded the right of association to workers and employers in the private sector but continued to exclude nonprofit organizations, self-employed workers, and agricultural and other informal sector workers. The informal workers included approximately 8.5 million (predominantly female) home-based workers, more than 15,000 employees working in the country's 12 export processing zones (EPZs), as well as most public sector employees, including medical staff, firefighters, teachers, and state enterprise employees; these groups do not have the right of asso-

ciation. NGOs and the Government estimated that agriculture accounted for approximately 45 percent of the labor force and that other informal sectors accounted for 20 percent; this left more than 65 percent of the labor force without the right of association.

Under the IRA, EPZ workers are prohibited from joining unions, bargaining collectively, or striking. The EPZ Authority is empowered to draft labor laws within the EPZs, but no such laws have been drafted.

The IRA somewhat lessened government control of membership and participation by eliminating the previous requirement for collective bargaining agents to affiliate with a national-level registered federation. Under the IRA trade unions have the right to join any federation or confederation of their choice, and the registrar of trade unions cannot cancel a trade union's registration. There were no reported incidents of the Government dissolving a union without due process.

According to the International Trade Union Confederation (ITUC), the IRA did not articulate the rights of workers to conduct sympathy strikes, and under the IRA it takes at least one month before a strike can be legally declared. The federal government has wide powers to prohibit a strike if it lasts for more than 30 days and causes "serious hardship to the community" or is "prejudicial to the national interest." In the case of public utility services, strikes may be prohibited at any time before or after the strike begins. The Antiterrorist Ordinance of 1999 defines illegal strikes, picketing, and other types of protests as "civil commotion," which carries a penalty of up to life imprisonment. The code of criminal procedure also deems any gathering of four or more persons as subject to police authorization, a provision that authorities used against trade union gatherings. In previous years the Essential Services (Maintenance) Act of 1952 (ESMA) was invoked to limit or prohibit strikes by public sector workers and to curtail collective bargaining rights; labor groups reported that the ESMA was not applied during the year.

b. The Right to Organize and Bargain Collectively.—Collective bargaining for some workforce sectors was protected under the IRA before it expired at the end of April. After its expiration the provinces each passed their own labor laws with essentially the same provisions as the federal IRA. Groups excluded from collective bargaining rights were the same as those excluded from freedom of association under the IRA: nonprofit organizations, self-employed workers, agricultural laborers, other informal sector workers, and most public sector employees, including medical staff, firefighters, and teachers. The IRA prohibited 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. In practice the IRA and provincial labor laws were not fully enforced.

The ITUC reported that employers disqualified workers from union membership by promoting them to nominal managerial status. According to the ITUC, management sometimes resorted to intimidation, dismissal, and blacklisting to prevent unionization.

On July 27, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF), the U.S.-based Coca-Cola Company, and Coca-Cola Icecek (Turkey) reached a comprehensive agreement over longstanding labor and union rights disputes at Coca Cola Beverages Pakistan. At the Coca-Cola plant in Multan, members and leaders of the IUF-People's Employees Union (PEU) had faced targeted harassment, threats, extortion, and other intimidation from management. Attempting to derail the union, which was formed in June 2009, plant management reportedly created a so-called yellow union and claimed that direct-hire union members were actually subcontractors and thus not eligible for collective bargaining. Under the agreement the company agreed to recognize the PEU and assure no further harassment or victimization of union members and officers; all unfairly dismissed workers were to be reinstated with full compensation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits slavery and all forms of forced labor. In practice the Government did not enforce the prohibitions effectively, and there were numerous instances in which such practices occurred. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The Bonded Labor System (Abolition) Act of 1992 outlaws bonded labor, cancels all existing debts, forbids lawsuits for the recovery of such debts, and establishes the district vigilance committee system to implement the act. Due to technical flaws, federal and local government structural changes, and a lack of budget for implementation, the act was largely unenforced. As a result law enforcement registered bonded labor offenses under other sections of the penal code, including kidnapping and illegal confinement.

NGOs reported that more than one million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus, and lower socioeconomic level Christians and Muslims. Bonded labor was most common in agriculture and in the brick, glass, carpet, and fishing industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers' illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers' movements with the use of armed guards or sold laborers to other employers for the price of the laborers' debt.

There were no updates on charges brought against three landlords who were reported in *Time* in October 2009 to have held more than 150 bonded laborers against their will in Sindh Province for more than 30 days. Lawyers provided by local NGOs filed petitions in district courts for the release of the laborers, who were all in bonded employment. The laborers, a third of whom were children, were landless peasants. Sindh law enforcement authorities secured the release of all the laborers, and criminal charges were filed against one of the landlords.

A 2008 Freedom House report noted that bonded laborers sometimes sold their organs, particularly kidneys, to make money to escape servitude. Despite the February 2010 Human Organs and Tissues Transplant Ordinance, which regulates the removal, storage, and transplantation of human organs and tissues and criminalizes the practice of kidney sale and purchase, the media continued to report instances in which laborers sold their kidneys for as little as 40,000 rupees (\$470).

Some bonded laborers returned to their former status after being freed due to a lack of alternative employment options. Ties existed between landowners and brick kiln owners and influential politicians, which hampered effective elimination of the problem. For example, some local police were unable to effectively pursue landowners or brick kiln owners, because they believed that their efforts to carry out investigations according to the law would not be supported by higher-ranking officers who would be pressured by politicians or the owners themselves.

During the year the KP Ministry of Labor began a project to register brick kiln workers in the province, although it was in initial phases. The Punjab and Sindh ministries of labor continued to register brick kilns and workers to better regulate the industry and ensure that workers had access to labor courts and other entitled services. By year's end the Sindh Department of Labor and the Social Employees Security Services Institutions, in collaboration with SPARC, had registered more than 590 brick kilns in Sindh. The Punjab Department of Labor also continued a 123-million rupee (\$1.4 million) project to combat bonded labor in brick kilns, through which it helped brick kiln workers obtain national identity cards and interest-free loans and opened schools at brick kiln sites.

On July 27, the Mirpurkhas District police in Sindh, in collaboration with SPARC, inaugurated the country's first antibonded labor cell. The cell was introduced to improve police and NGO work on forced and bonded labor cases through the provision of specialized training for police and to provide laborers an accessible location to file FIRs required for police to initiate investigation of an employer.

Boys and girls are also bought, sold, rented, or kidnapped to work in organized, illegal begging rings, in domestic servitude, and in agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their children, who were later exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. NGOs and police reported markets where girls and women were bought and sold for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—National legislation protects children from exploitation in the workplace; however, enforcement of child labor laws was weak, and child labor, including forced or bonded labor, remained a serious, pervasive problem.

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 a child should have one day off per week. In addition, the law requires employers to keep a register of children working for them for labor inspectors to verify. These prohibitions and regulations do not apply to family businesses or government schools.

The law protects all children younger than 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. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees (\$590) 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. The Government considers four occupations and 34 processes illegal for children, includ-

ing street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

Enforcement was a serious problem. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work.

Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since 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. In reality enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible 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 as much as 20,200 rupees (\$240) for violations of child labor laws. Authorities often did not impose penalties on violators; 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 (\$4) in KP to an average of 7,344 rupees (\$86) in Balochistan.

Children were forced to work in the brick kiln, glass bangle, and carpet-weaving industries as well as in agriculture as part of fulfilling their families' debt obligation to feudal landowners or brick kiln owners. UNICEF estimated the number of children working in brick kilns at approximately 250,000. In a March 2009 report, the National Coalition against Child Labor stated that there were 1.7 million persons in bonded labor in the agricultural sector, including children.

Poor rural families sometimes sold their children into domestic servitude or other types of work or paid agents to arrange for such work, often believing their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

On January 19, a 12-year-old Christian housemaid was tortured in Lahore by her employers and died of her injuries three days later (see section 6, Women).

Children also were kidnapped and/or sold into organized begging rings, domestic servitude, and child prostitution.

In September the KP government passed the Child Protection, Welfare Bill of 2010.

For information on forced child labor, see also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—On May 1, the Government announced that the minimum monthly wage for unskilled workers would be increased to 7,000 rupees (\$82) per month from the previous wage of 6,000 (\$71) per month. (There are 54 categories of workers with various minimum wage levels.) The national minimum wage for unskilled workers 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 (\$141) per month. Significant sectors of the workforce, such as those in the informal sector, domestic servants, and agricultural workers, were not covered.

The Government was unable to combat or regulate illegal practices by labor agents who recruited persons for work abroad. Agents charged fees for their services well above the legal ceiling set by the Government; agents also changed contracts or drafted unclear contracts to reduce agreed-upon wages. The Government's inability to regulate such transactions highlighted its inability to protect workers against further exploitive situations, including human trafficking.

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. 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.

These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors. In addition, such workers did not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The inapplicability of many labor laws and the lack of enforcement by the Government gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay. For example, in November a lower-caste Hindu agricultural laborer died of burns suffered after he was tortured and set on fire, allegedly to elicit

it a confession for stealing cotton. The accused perpetrator, a well-connected local landlord, had not been arrested by year's end.

Even prior to adoption of the 18th amendment, provincial governments had primary responsibility for enforcing national labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC, labor inspectors exempted certain employers from inspection in Sindh and Punjab. Many workers remained unaware of their rights, especially in the informal sectors.

Health and safety standards were poor in all sectors. There was a serious lack of adherence to mine safety and health protocols. For example, many mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

SRI LANKA

Sri Lanka is a constitutional, multiparty republic with a population estimated at 21 million. President Mahinda Rajapaksa, who was reelected to a second six-year term in January, and the parliament, which was elected in April, share constitutional power. The Government is dominated by the president's family; two of the president's brothers hold key executive branch posts as defense secretary and minister of economic development, while a third brother is the speaker of parliament. Independent observers generally characterized the presidential and parliamentary elections as problematic. Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources. There were instances in which elements of the security forces acted independently of civilian control.

The Government and its agents continued to be responsible for serious human rights problems. Security forces committed arbitrary and unlawful killings, although the number of extrajudicial killings declined. Disappearances continued to be a problem, although the total also declined. Many independent observers cited a continued climate of fear among minority populations, in large part based on past incidents. Security forces tortured and abused detainees; poor prison conditions remained a problem; and authorities arbitrarily arrested and detained citizens. Repercussions of the nearly 30-year war against the Liberation Tigers of Tamil Eelam (LTTE) continued to have an effect on human rights, despite the defeat of the LTTE in May 2009. In an effort to prevent any violent separatist resurgence, the Government continued to search for and detain persons it suspected of being LTTE sympathizers or operatives. Official impunity was a problem; there were no public indications or reports that civilian or military courts convicted any military or police members for human rights abuses. The Government established a post-war Lessons Learnt and Reconciliation Commission (LLRC). Denial of fair public trial remained a problem; the judiciary was subject to executive influence; and the Government infringed on citizens' privacy rights. There were instances when the Government restricted freedom of speech and of the press, and there were incidents of restrictions on freedom of assembly and association. Authorities harassed journalists critical of the Government. Infringement on freedom of movement was lower than in the previous year, and citizens were able to travel almost anywhere in the island; in practice police and military checkpoints were still a frequent sight in Colombo and elsewhere, and numerous High Security Zones (HSZs) and other areas remained off limits to citizens. Election law violations and government influence created doubts about the fairness of both the presidential and the parliamentary elections. Official corruption, with impunity, and lack of transparency were serious problems, and the Government hampered the work of nongovernmental organizations (NGOs). With the passage of the 18th amendment in September, the mechanism by which the seats on the Constitutional Council and its subsidiary councils are filled was changed. The president now holds the authority to name all members to each of these councils, with only the requirement to "seek advice," but not approval, of the parliament. Violence and discrimination against women were problems, as were abuse of children and trafficking in persons. Discrimination against persons with disabilities, persons with HIV/AIDS, and the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination and violence against persons based on their sexual orientation were problems. Trafficking in persons, limits on workers' rights, and child labor remained problems, although the parliament implemented new regulations on child labor at the end of the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed arbitrary or unlawful killings, but reliable statistics on such killings by the Government or its paramilitary allies were difficult to obtain because past complainants were killed and families feared reprisals if they filed complaints.

Among these arbitrary and unlawful killings, a number of suspects detained by police or other security forces died under questionable circumstances.

On May 23, police arrested Pattiyage Komako Lalan Peiris in what observers stated later was a case of mistaken identity. The next morning he was found dead handcuffed to a table in a police station cell. Police officials explained the cause of death as a heart attack, but an autopsy carried out later at the insistence of the family revealed signs of torture.

On August 25, Jayasekara Arachchige Roshan Jayasekara was arrested near Kiribathgoda for stealing a mobile phone. One day later his body was brought to the local hospital by police. A post mortem examination showed multiple blunt-force trauma injuries.

According to official accounts, some deaths occurred when security forces took the suspects to the scenes of their alleged crimes, shot, and killed them while they allegedly were trying to escape. On August 31, police officers attached to the Special Task Force (STF) arrested Jayakody Arachchilage Oman Perera. During the journey by jeep to Colombo, one of the officers shot Perera because he allegedly tried to escape. He died in the hospital that same day.

On September 4, Suresh Kumar was arrested by police officers and taken to show them a hidden cache of weapons. The police claimed that he attempted to throw a hand grenade at the officers while they traveled to the location. His body later was found on the roadside.

On September 18, police shot and killed Ranmukage Ajith Prasanna as they transported him to show them the location of a hidden stash of weapons. Police claimed Prasanna attempted to grab a firearm from one of the police while being transported, but there was no explanation why he was not properly restrained. Prasanna was arrested the day before, and family members insisted he was not involved in any criminal activity.

The overall number of extrajudicial killings dropped significantly from the previous year. Nevertheless, during the year unknown actors suspected of association with progovernment paramilitary groups committed killings and assaults of civilians. These included the Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway LTTE eastern commanders Vinayagamurthi Muralitharan, alias “Karuna,” and Sivanesanathurai Chandrakanthan, alias “Pillaiyan,” in the east, as well as the Eelam People’s Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. These and other progovernment paramilitaries also were active in Mannar and Vavuniya. All of these groups endeavored to operate political organizations, some with more success than others, and there were persistent reports of close, ground-level ties between paramilitaries and government security forces. Whereas these groups served more of a military function during the war, often working in coordination with security forces, the paramilitaries now took on increasingly criminal characteristics as they sought to solidify their territory and revenue sources in the postwar environment.

On December 31, unidentified armed men entered the home of Ketheeswaran Thevarajah near Jaffna and killed him. He recently had posted photos of illegal sand excavation on his Facebook profile. Many local Jaffna residents suspect EPDP subsidiaries were illegally mining sand in the Jaffna region, causing environmental damage.

The Government did not conduct any further inquiries into the high profile cases investigated by the Commission of Inquiry (COI), including the 2006 killing of 17 local staff of the French NGO Action Against Hunger (ACF) in Mutur. The COI was disbanded in June 2009 without issuing a public report, and with reports that the commission had blamed ACF for allowing its workers to be in an unsafe location, at the same time exonerating all government security forces from any possible involvement in the killing of the aid workers.

A separate commission set up under retired Supreme Court justice Mahanama Tillekeratne to investigate abductions, disappearances, killings, and unidentified bodies was to submit a final report to the president early in the year. Although the commission gave an interim report to President Rajapaksa in February, and the commission’s mandate ended on March 16, there was no indication that a final report was given to the president.

There was no progress on the January 2009 killing of the chief editor of the Sunday Leader and Morning Leader newspapers, Lasantha Wickrematunga, by four assailants.

There were no updates on the March 2009 deaths of four persons in the Trincomalee area who were in police custody in connection with the killing of a schoolgirl.

There were no new developments in the case of M.B. Dinesh Tharanga Fernando and Dhanushka Udayanga Aponsu, who were arrested by local police in Angulana in August 2009 and then found dead the following morning with gunshot wounds.

The Government commissioned four experts to evaluate the authenticity of the footage broadcast in August 2009 on a UK Channel 4 News video that purported to show army soldiers executing two bound and nude Tamil captives. Journalists for Democracy in Sri Lanka, the original source of the video, claimed that the killings had been filmed in January 2009 by a soldier using a mobile phone camera. Channel 4 broadcast a longer version allegedly of the same video on November 30 and concluded that the footage was shot May 18, 2009 rather than in January 2009. In September 2009, the Government reported to the UN Human Rights Council that four separate investigations scientifically determined that the video was “fake.” However, Philip Alston—the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions—based on the report of a separate independent group of forensic experts concluded in January that there was strong evidence to suggest the video was authentic.

There was no progress on the investigation into the killing of a young man at a polling station in a Colombo suburb in April 2009, which was tied to Duminda Silva, a member of the Western Provincial Council from the president’s United Peoples Freedom Alliance. Incidentally, Silva also was acquitted in November by the Colombo High Court on charges of rape, after the attorney for the victim told the court that the victim was suffering from depression because of the incident and did not want to take part in any further legal proceedings.

b. Disappearance.—Disappearances continued to be a problem, but at a lower rate than during the war. While disappearances in previous years often appeared related to the conflict, during the year they most often appeared connected with extortion and other criminal activity, sometimes involving government actors. Reliable statistics on the number of disappearances were difficult to obtain, with one estimate of 77 persons missing during the year. Most observers concurred that the majority of disappearances occurred in the north and east, while some took place in Colombo. Government reports on disappearances often claimed that most cases actually involved persons who had left the country for foreign employment and had not informed family members; however, civil society and human rights organizations strongly disputed this interpretation.

Prageeth Eknaliagoda, a journalist and cartoonist for Lanka-e-news, disappeared on January 24, just before the presidential election. Police launched an investigation, and government statements promised imminent progress on the case several times, but by year’s end there were no announced suspects or visible progress on the case.

During the year the Government did not publish any investigations into past disappearances, nor did it publish information on any indictments or convictions of anyone involved in cases related to disappearances.

On July 21, a group of unknown persons abducted Thirimadura Upali Mendis in Tangalle. His family stated he had been in a business dispute with a prominent local businessman over a plot of land. Police in Tangalle took a missing persons report but made no progress in the case at year’s end.

There was no progress in solving the May 2009 disappearance of Stephen Sunthararaj, project manager at the Center for Human Rights and Development. Sunthararaj had been held by police without charges since February of that year and was abducted by four persons in a white van wearing army uniforms shortly after he was released on a court order.

There was no progress in the investigation of the October 2009 disappearance of Sankarapillai Shantha Kumar, a member of the NGO consortium in Akkaraipattu, Ampara District. Credible sources had linked the incident to the TMVP.

Reports of abductions for extortion and ransom increased during the year, particularly in the north and east. Local residents blamed such abductions in the Jaffna Peninsula on armed members of the EPDP, led by government ally and Member of Parliament Douglas Devananda. In other areas of the north and east, however, it was difficult to identify the perpetrators. Whereas in the past local citizens often reported they were reasonably certain which paramilitary groups were behind abductions and killings, during the year they more often stated that they were unsure of which group was involved in a particular incident.

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, security forces tortured and abused citizens. Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Following a 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that "torture is widely practiced in Sri Lanka." There was no indication that such practices had subsided. No accurate, publicly released statistics on reported torture cases were available.

Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boosa Prison in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

In the east and the 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. There were reported cases of detainees being released with a warning not to reveal information about their arrests under the threat of rearrest or death if they divulged information about their detention. There were also previous reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed.

Human rights groups estimated that approximately 2,400 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees, estimated by some organizations to be as high as 1,200, were thought to be held in police stations, the Criminal Investigation Division (CID), the TID, army or paramilitary camps, or other informal detention facilities. At the beginning of the year the Government held approximately 11,700 former LTTE combatants in detention centers near Vavuniya. Some observers were concerned that these ex-combatants were subjected to abuse or torture, since independent observers had only limited access to these detainees and there was no formal legal framework for their detention. Due to limited access to these detainees, details about their treatment and whether such treatment met international standards were unavailable. However, independent observers who met with those released saw no evidence of systematic torture or abuse. By the end of the year the Government formally charged approximately 1,400 of these detainees and released approximately half of the remaining 10,000 after rehabilitation.

On May 26, police officers in Ahangama arrested Ganegoda Sinhage Haritha Lakmal and severely beat him. His injuries required surgery and reportedly almost caused his death.

According to the Asian Human Rights Commission (AHRC), on August 23, police officers arrested Jesu Andrew in the district of Kandy for allegedly stealing jewelry from a woman's handbag and took him to the Panwila Police Station, where they tortured him. He was allegedly stripped naked, forced to lie down on a bench, and beaten severely with a pole over various parts of his body. The officers also rubbed chili powder on his genitalia. While torturing him, the officers tried to force him to confess that he had stolen the jewelry. When he refused to plead guilty, he was allegedly thrown into a police cell and beaten again.

On November 10, S.I. Udayange of the CID from Beruwella detained Samarasinhage Psupakumara on suspicion of involvement with robberies in the area. Psupakumara was beaten and threatened with death. Udayange held him for several days before releasing him without any formal charges.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards due to overcrowding and the lack of sanitary facilities. According to prison officials and civil society sources, prisons designed for approximately 10,000 inmates held an estimated 26,000 prisoners. Approximately 1,400 of these were women. Some 12,000 of these total prisoners were convicted, while the remaining 14,000 were in detention either awaiting or undergoing trial. In some cases juveniles were not held separately from adults. Pretrial detainees often were not held separately from those convicted. In many cases prisoners were reported to be sleeping on concrete floors and often without natural light or sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions, but some human rights groups alleged that isolated incidents of degrading treatment occurred, including corporal punishment, overcrowding, maltreat-

ment, or abuse. According to the assessment by UNSR Nowak, “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 also noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews, and conducting medical evaluations of detainees.

There appeared to be no formal procedure without going through prison officials by which prisoners and detainees could submit complaints of poor conditions or abusive treatment to judicial authorities.

The Government permitted independent human rights observers and the International Committee of the Red Cross (ICRC) to visit to regular and remand prisons, but not those facilities holding LTTE ex-combatants yet to be formally charged. The Government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitaries. In December, the Government requested the ICRC to close their offices in the North.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice such incidents occurred. Under the arrest and detention standards imposed by the Emergency Regulations, the law does not clearly define what constitutes an arbitrary arrest. Data concerning arrests made during the year under the Emergency Regulations were fragmentary and unreliable. The Government detained an unknown number of individuals at least temporarily. Observers stated that, although many were released within two days if no official detention order was produced, others were known to be detained for much longer. Although in May the Government relaxed a portion of the Emergency Regulations, including provisions that previously had allowed security forces wide latitude in conducting searches without judicial warrants, the remaining portions of the regulations allowed detentions without charges or warrants.

According to Amnesty International, on March 26, more than 300 persons, most of them Tamil, were arrested in a search operation conducted between 6 p.m. and 6 a.m. in the town of Gampaha 24 kilometers (15 miles) northwest of Colombo.

According to AHRC, on June 17, two officers from Balagolla Police Station violently arrested Alhaj Farook Mohomad Ikram close to his home. The victim was not told the reason for his arrest. He was released on the same evening without being charged, although his eardrum was damaged in the assault and he was hospitalized for a number of days. He received no replies from the authorities regarding his requests for redress and compensation.

Some arrests appeared arbitrary. In September several university students were detained for hooting at the Minister of Education during a public event. These arrests contributed to a wave of student protests in September and October, resulting in additional arrests and detentions of students. By year's end 76 university students were banned from attending lectures because of participation in protests and related incidents. The Government blamed the protests and incidents on left-wing opposition parties.

Role of the Police and Security Apparatus.—The inspector general of police (IGP) is responsible for the 86,000-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 secretary of the Ministry of Defense (in a separate chain of command from that of the armed forces and other military units). The 5,850-member paramilitary STF is within the structure of the SLPS, although joint operations with military units in the recent defeat of the LTTE led to questions among observers about who actually was directing the STF. Bureaucratic adjustments during the year placed the police more firmly under the control of the Ministry of Defense. There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police.

Few police officers serving in Tamil majority areas were Tamil, and most did not speak Tamil or English, although the Government began hiring and training ethnic Tamils in an effort to improve this situation. Estimates of ethnic Tamils and Muslims in the police numbered several thousand. Since late in 2009 the Government recruited approximately 500 new Tamil-speaking police from the Jaffna region to serve in the North Jaffna Peninsula, and these officers underwent training for most of the year. There had been concern that many of these newly hired officers were members of Tamil paramilitary groups, but whether that concern was warranted was unclear. At year's end more than 300 of these Tamil officers were within a week

of graduating from training and were scheduled to be posted in Tamil-speaking areas in the north. Among this group were 20 women.

Impunity, particularly for cases of alleged police torture and corruption, was a serious problem. 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.

Arrest Procedures and Treatment While in Detention.—Under the law authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice often several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate could 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 is required to remand the suspect, and only the High Court can grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases. Outside of alleged secret, and therefore incommunicado, detentions and prisons, detainees were allowed access to family members.

A number of observers complained about the slow pace of the judicial process, with some estimates claiming that more than half those in prison were either awaiting or undergoing trial.

Under the Emergency Regulations, the armed forces have the legal authority to arrest persons, but they are required to transfer suspects 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. The defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act (PTA). Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not surrender them 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, although this appeared to diminish after the end of the war.

In cases in which security force personnel allegedly 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.

According to human rights organizations, obtaining medical evidence of torture in the country 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 evidence, and any potential victim receiving a medical examination usually was accompanied by the person holding him or her in detention, often the person who allegedly had committed the torture. At year's end there was no functioning witness protection program.

Persons convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

Amnesty.—The president granted amnesty to a number of prisoners throughout the year, sometimes for national holidays or other occasions. The criteria for determining who benefitted from such releases were not clear. One report stated 1,312 prisoners were given a presidential pardon in September, with unsubstantiated reports of payments to government officials in return.

e. Denial of Fair Public Trial.—With the passage of the 18th amendment in September, the mechanism by which the seats on the Constitutional Council and its subsidiary councils are filled, including the Judicial Service Commission, was changed. The president now holds the authority to name all members to each of these councils, with the requirement only to "seek advice," but not approval, of the parliament. In spite of this new power, the president had not appointed any of these councils by the end of the year. With the passage of the 18th amendment, executive influence over the judiciary significantly increased. 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. Although there were allegations of instances when the president may have intervened to assign judges favorable to his position in high-profile cases, there were other instances where judicial decisions clearly went against what the president might have preferred. During the year the Government again failed to appoint the Constitutional Council, whose function is to ensure the

independence of such constitutional bodies as the Judicial Service Commission. As a result a series of important checks on executive power were absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.

For much of the year there was no procedure in place to address the legal status of the majority of the approximately 11,700 former LTTE combatants held in detention centers since the end of the war. Approximately 5,000 were released throughout the year, while an additional 1,400 were transferred into the regular prison system and charged with various crimes related to LTTE activity.

Lawyers who defended human rights cases sometimes were under physical and verbal threats. There was no progress in the investigation of a 2008 grenade attack on the home of J.C. Weliamuna, a local human rights lawyer and the then director of Transparency International in the country.

Trial Procedures.—In criminal cases juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. There are no formal procedures for ensuring how quickly an arrested person may contact family or a lawyer; in practice they are allowed to make calls on their mobile phone to such persons. 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. Private legal aid organizations assisted some defendants. Juries were not used in cases brought under the PTA, but defendants in such cases had the right to appeal.

Defendants are presumed innocent. Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA cases. The case of journalist J.S. Tissainayagam was one such example, as he had testified in court that his alleged confession was the result of torture by members of the TID (see section 1.e., Political Prisoners and Detainees). The alleged confession nonetheless was allowed as evidence in his trial in 2009. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion.

Defendants have the right to question prosecution witnesses during their trials and are allowed access to the prosecution's evidence. 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 usually were made relatively quickly.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil.

Political Prisoners and Detainees.—During the year the Government detained and imprisoned a small number of persons for political reasons. However, the Government permitted access to such persons on a regular basis by international humanitarian organizations.

Most prominent among these political prisoners was main opposition presidential candidate and former army commander Sarath Fonseka, who was detained on February 8 by the military, held in detention for the rest of the year, brought before several military courts martial and civil courts on various charges, and ultimately sentenced to 30 months in prison at hard labor, which he was serving at the Welikada Prison at year's end. He also was stripped of his rank and pension, and all references to Fonseka on military plaques, etc., were ordered expunged. The accusations made against Fonseka after he initially was detained were vague, with suggestions by government officials that he had been plotting a coup. After more than a month, formal charges were brought under two courts martial on corruption in military procurement and violating military regulations by engaging in politics as a serving military officer. No charges were ever brought on the coup allegations. Later, he also was charged in civil court under the PTA for allegedly fomenting civil unrest by making statements in December 2009 to the press about Defense Secretary Gotabhaya Rajapaksa's alleged order that surrendering LTTE cadres be shot (the "white flag" incident). Fonseka later denied making these claims. In August the two courts martial found Fonseka guilty of the corruption charges and of engaging in politics while still in the military. At the end of the year the Supreme Court was considering whether the court martial verdict qualified as a civilian verdict for purposes of removing him from his parliamentary seat. At year's end Fonseka remained on trial for several charges, including revealing state secrets, for the "white-flag" case.

Despite his incarceration Fonseka ran successfully for a parliamentary seat on the ticket of the opposition Democratic National Alliance in the April elections and until his sentencing to prison in September was allowed out of detention to attend sittings of parliament. A number of human rights organizations accused Fonseka of being involved in a wide range of human rights abuses during the war, including extrajudicial killings, disappearances, and indiscriminate firing on civilians in the war zone. Nevertheless, many independent observers concluded that Fonseka was detained, prosecuted, and sentenced for political reasons, because of the initial lack of clarity in the allegations against Fonseka, the fact that no formal charges were brought against him for more than a month after his detention, the selective way in which laws were ultimately applied (some progovernment military officers spoke publicly in favor of the president during the campaign and were not similarly charged or punished), and the disproportionate nature of the sentences in the courts martial, which appeared to be designed to humiliate Fonseka and to deprive him of his seat in parliament.

Twenty-two other individuals involved with Fonseka's campaign were arrested, most in connection with the allegations of a coup attempt. By November, however, all 22 were released from detention with no charges pending, leaving only Fonseka in prison.

There were other cases in which persons were detained for what appeared to be simply their opposition to the Government and its top leaders. There were numerous cases of police arresting persons for putting up or simply possessing posters critical of the Government. Police arrested Jayampathi Bulathsinhala, a local printer, in September for printing posters critical of President Rajapaksa and the 18th amendment.

Journalist J.S. Tissainayagam, convicted under the PTA in 2009 and sentenced to 20 years' imprisonment at hard labor for what appeared to be purely political reasons (see section 1.e., Trial Procedures), was released on bail on January 15. He was formally pardoned by President Rajapaksa in May.

Civil Judicial Procedures and Remedies.—Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases; cases filed by persons suspected of having ties to the LTTE appeared to be subject to delays much more frequently. Where damages were awarded, there were relatively few problems in enforcing the court orders.

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. The Emergency Regulations allowed security forces to conduct searches of property and to engage in wiretapping and surveillance of private citizens with little judicial oversight.

Seizure of private lands by various actors remained a problem across the country. Disputes over land ownership in war-torn areas of the north and east increased significantly as many former residents began returning to areas they had left many years before. The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, which the Government called HSZs. The declaration of HSZs displaced a number of persons, particularly in the Jaffna Peninsula, and rendered inactive approximately 24 square miles of agricultural lands. A degree of progress was made in reducing the size of the HSZs during the year, with some lands being returned to their owners, in the area surrounding the Palaly Air Base in the Jaffna Peninsula, for example. Many of those affected by the HSZs continued to complain, however, that the pace of these returns was too slow and that the Government was holding back on the return of lands it might see as economically valuable. The Government cited the need to conduct careful demining prior to the handover of these lands, but questions persisted about whether land cleared of mines was always immediately returned to its original owners.

Paramilitary actors were often cited as being responsible for other land seizures. While a legal process exists for private landowners to contest such seizures, in practice it proved very slow, and many victims did not take advantage of it for fear of violent reprisals by those who had seized the property in question.

Land ownership disputes between private individuals in former war zones also escalated during the year. Multiple displacements occurred in the northern and eastern areas over the many years of war, and land often changed hands several times. Documentation of land claims was difficult for a number of reasons. Many persons

who had been displaced multiple times were not able to preserve original land deeds as they moved and some official government land records were damaged or destroyed during intense fighting between government and LTTE troops. Through the LLRC, the Government was seeking to address these issues.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, but in practice this was not always supported. Government officials criticized, pressured, and harassed the media, and most journalists practiced self-censorship.

The Government owned the country's largest newspaper chain, two major television stations, and a radio station. However, 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. While foreign media outlets operated in the country, foreign journalists were required to obtain clearance from the Ministry of Defense to travel to the north. There were occasions when foreign journalists were not granted this permission and thus were unable to report on key events in the north. On several occasions the Ministry of Defense prevented foreign journalists from the BBC from attending public sessions held by the LLRC in the north. This appeared to have been resolved by year's end, however, and a BBC reporter was granted ministry permission to attend an upcoming LLRC session in Mannar.

Media freedom suffered from severe government pressure throughout the island, and most journalists practiced self-censorship, particularly on problems critical of top government officials. National and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the Government's role in harassing and intimidating journalists. The police, under the authority of the Ministry of Defense, reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family.

Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to print stories that portrayed the Government in a positive light. This pressure reportedly was exerted sometimes directly through threats and intimidation and sometimes through orders to government and private firms to cease advertising in critical newspapers. Threats led some journalists to choose self-exile (see section 2.d.).

In addition to the high-profile disappearance of Prageeth Eknaliyagoda in January, (see section 1.b.), media personnel often were subject to threats and harassment during the year. Statements by government and military officials contributed to an environment in which journalists who published articles critical of the Government felt under threat.

Masked assailants attacked the premises of Siyatha television on July 30, burning the studios and injuring two employees. Witnesses reported similarities in the manner in which this attack was carried out and the January 2009 attack on MTV/MBC studios, and some local groups suspected Ministry of Defense personnel were behind the attack.

The Government made no progress in the investigation into the January 2009 attack on the broadcasting station of MTV/MBC in Pannipitiya.

There was no further investigation into the June 2009 abduction and severe beating of journalist Poddala Jayantha, head of the Sri Lanka Working Journalists Association. Jayantha was attacked shortly after photographs of him and several other journalists were shown on state-run television during comments by the Inspector General of Police Jayantha Wickramaratne, in which he called journalists traitors who should be "dealt with."

On several occasions during the year government authorities at the international airport confiscated copies of *The Economist* magazine, preventing their release to the magazine's local distributor. This occurred when articles in the issue were critical of the Government. The Government stated that the confiscations were merely temporary and only occurred when there was a legitimate security concern. The issues containing the critical articles were not seen on newsstands once the Government released them, however, since a new issue had already arrived to replace them.

In November persons with suspected affiliation with the EPDP paramilitary group made threatening gestures to local journalists attending a public session of the LLRC in Kayts, off the Jaffna Peninsula. The journalists were attempting to photograph the men as the latter wrote down names and other identifying details of local residents describing abductions that occurred in the area during the war.

In July 2009 the Government officially reactivated the Press Council Act of 1973. This act, which includes power to impose punitive measures including fines and lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the Government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases. Several demonstrations by journalists took place throughout the latter part of 2009 against the resurrection of this council.

Internet Freedom.—There appeared to be some limited government restrictions on access to the Internet, including government blocking of Web sites it deemed pornographic. There were suspicions that the Government was behind the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet.

High-speed Internet was available in major cities and towns, including Jaffna, with more widespread use among younger and urban populations. Cell-phone use, including text messaging, was high across a broad spectrum of society without government restriction. The Ministry of Defense attempted to impose regulations requiring the registration of all SIM card purchases, but there appeared to be sizable gaps in the implementation and enforcement of these regulations.

According to International Telecommunication Union statistics for 2009, approximately 8.8 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events.—There were reports that government officials occasionally informally inhibited cultural productions originating from ethnic minorities. Theater productions written by Tamils were not performed at a festival, allegedly because the Government did not have a Tamil translator available to approve the content. There were allegations that university officials, in many cases from the ranks of academia, prevented professors from criticizing government officials, and the administration of a university in Colombo prevented the UN from holding an event on school premises that highlighted a number of human rights defenders as part of a celebration of International Human Rights Day in December. Academics were intimidated into practicing self-censorship.

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 gives the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature may not be held when a referendum is scheduled, but the Government generally granted permits for demonstrations, including those by opposition parties and minority groups. A number of university students were detained in October following demonstrations at several universities in protest of plans to develop private universities in the country. The Government alleged that these demonstrations were unauthorized and deliberately set up with the help of leftist political parties to disrupt classes and clash with police.

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.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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.” In practice, however, the Government restricted this right on multiple occasions. The additional police and military checkpoints on travelers from the north and the east and on movement to and in Colombo remained in effect. The number of formal, stationary checkpoints declined from the previous year, in particular in Colombo. Many observers noted an increase in temporary, roving checkpoints, however, especially at night in Colombo.

Ethnic Tamils' national identification cards were the only cards printed in both Sinhala and Tamil.

Security forces at army checkpoints in Colombo frequently harassed Tamils. Both the Government and the TMVP continued to operate checkpoints in the east that impeded the free movement of residents, especially Tamils.

The Government no longer restricted travel by Sri Lankan citizens on the A-9 highway leading north from Vavuniya to Jaffna. Foreigners, however, were required to get permission from the Ministry of Defense before traveling to northern areas. The Government continued security checks on movements in all directions north of

a key junction near Medawachiya, although they were less stringent than during the war.

Limited access continued near military bases and the HSZs where civilians could not enter. The HSZs extended in an approximately 2.5-mile radius from the fences of most military camps. Some observers claimed that the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. There were allegations after the war ended that the Government was allowing non-Tamil businesses to locate inside HSZs, taking over valuable land before local citizens were allowed to return.

The Government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad, but it allowed citizens to leave the country under self-exile unless they were accused of breaking the law. More than a dozen journalists, having received physical threats, were in self-exile due to safety fears.

In July the UN High Commissioner for Refugees (UNHCR) released updated eligibility guidelines for assessing the international protection needs of asylum seekers from the country. The report noted that due to the cessation of hostilities, Sri Lankans originating from the northern part of the country were no longer in need of international protection under broader refugee criteria or complementary forms of protection solely on the basis of risk of indiscriminate harm and that, in light of the improved human rights and security situation in the country, there was no longer a need for group-based protection mechanisms or for a presumption of eligibility for Sri Lankans of Tamil ethnicity originating from northern part of the country. The report noted that refugee status determinations of Sri Lankan asylum seekers of Tamil ethnicity should be assessed upon five potential risk profiles: (1) persons suspected of links to the LTTE (in these cases, exclusion criteria would also apply); (2) journalists and other media professionals; (3) civil society and human rights activists; (4) women and children with certain profiles; and (5) lesbian, gay, bisexual, and transgender (LGBT) individuals. As of November 1, the number of Tamil refugees from the country living in southern India included slightly more than 70,000 in refugee camps and an additional 32,000 living outside of camps among the Indian population. This represented the vast majority of approximately 146,000 total Sri Lankan refugees registered with the UNHCR in 64 different countries, including the United Kingdom, Canada, Australia, and other countries. Some Tamil refugees returned to the country, with 2,054 returning during the year via UNHCR assistance, up from 843 in 2009, and an additional 2,742 refugees returned on their own during the year.

Internally Displaced Persons (IDPs)—The country had a significant population of IDPs. Almost all IDPs were ethnically Tamil, although approximately 80,000 of the total displaced population were Tamil-speaking Muslims who were displaced from Jaffna by the LTTE in 1990. Although approximately 108,000 more recent IDPs remained in government-run camps at the beginning of the year, most of these had returned to their home districts by year's end, with approximately 20,200 still in camps at that time. An estimated 66,000 individuals remained displaced in host communities, primarily in Jaffna, Mannar, and Vavuniya districts. At the Manik Farm camp near Vavuniya, 19,000 of the 20,200 were housed, and an additional 1,200 at the Ramavil camp in the Jaffna Peninsula. Of those at the Manik Farm camp, approximately 97 percent came from heavily mined areas in the Mullaitivu District. Many IDPs who were able to return to their home districts were nevertheless unable to move back onto their own property due to uncleared land mines, restrictions that have designated their home areas as HSZs, and other war-related destruction. Living conditions for these persons were often difficult.

In addition to this group of newer IDPs, there were an estimated 200,000 displaced Tamils, most of whom were displaced prior to the last major offensive by the military in 2008 and were living with either relatives or friends. It was unclear at year's end how or when they might return to their places of origin, or whether some would prefer to settle permanently at their current location after being displaced for many years. Some returns of pre-2008 IDPs occurred throughout the year.

For the IDP camps the Government accepted assistance from and provided access to NGOs and international actors. Management of the camps and control of assistance was under the military rather than civilian authorities, but civilian government agencies provided services to IDPs in the camps while working in concert with the military.

The Government released IDPs throughout the year for return to their areas of origin, but in some cases the Government did not effectively coordinate with local or international aid agencies that were asked to provide assistance on short notice. The Government sometimes failed to coordinate consistently with military personnel in the IDPs' home locations.

Among the long-term displaced were approximately 73,000 Muslims evicted from Jaffna in 1990 by the LTTE, many of whom spent nearly 20 years in IDP camps in and around Puttalam. A number of these, one estimate suggesting as many as 43,000, returned to Jaffna throughout the year, but this was difficult to verify. How many of those remaining in Puttalam would return home also was unclear, as many had younger family members who felt more at home in Puttalam. The Government did not permit some other IDPs, primarily Tamils, to return home because their places of origin remained inside HSZs, despite announcements during the year that these HSZs would soon be reduced or eliminated.

The Government generally cooperated with the UNHCR and some other humanitarian organizations in assisting IDPs; however, it restricted access to the north by NGOs and some international organizations, requiring them to obtain authorization for projects and access from the Presidential Task Force. While the UN and its organizations were given fairly effective access, other international NGOs had difficulty in operating projects they saw as needed, and permission for some humanitarian organizations to operate was denied or rescinded.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. The country's laws do not provide for the granting of asylum or refugee status, and the Government had 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons.—The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the country's nationality of previously stateless persons, particularly hill-country Tamils. The Government made limited progress towards naturalizing and providing citizenship documentation to stateless persons. By December approximately 20,000 hill-country Tamils in the country lacked identity cards and citizenship documents, compared with 30,000 at the beginning of 2009 and 70,000 in 2008. Those lacking identity cards were at higher risk of arbitrary arrest and detention, but there were no reports of such incidents during the year.

The Government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India's Tamil Nadu, but progress on finding and registering these persons and granting them citizenship was slow.

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.—The president, who was reelected in January for a second six-year term, holds executive power, while the 225-member parliament, elected in April, exercises legislative power.

The Government invited the Commonwealth of Nations and other international organizations to send election observers, but few international observers agreed to be present for the January presidential election. Several local elections observer organizations monitored the campaign and election day. This was the first island-wide election since the end of the war, and although participation in some northern areas was low compared with the rest of the island, it was significantly higher than during the 2005 presidential election, when the LTTE enforced a boycott of the polls in areas under its control.

A number of violent incidents occurred during the campaign period, with five deaths connected to election-related violence, but there were few reported incidents of election-related violence or election law violations on election day. However, independent observers reported countless violations of election law by the president's ruling coalition and, to a lesser extent, by the main opposition parties during the weeks leading up to election day. The president's ruling coalition was accused of massive use of state resources in support of the president's campaign, including the repeated use of official vehicles, offices, and personnel to hold campaign events and to conduct voter education efforts that favored the president.

The final vote count gave President Rajapaksa approximately 58 percent of the vote, with the main opposition candidate, retired general Sarath Fonseka, receiving just over 40 percent. There were no reliable public opinion polls conducted during the election campaign with which to compare these results. There were allegations of possible fraud occurring at counting centers, as ballots were tallied and totals reported to the elections commissioner. In several counting centers opposition party

observers were chased away by government supporters. While many observers questioned the size of Rajapaksa's margin of victory, most believed that the results represented the will of the electorate. There were calls for a recount of ballots, but the elections commissioner refused to do so. By law election ballots are retained for one year following an election in case of a dispute. The elections commissioner has the power to release them, but he refused to allow any independent inspection of the ballots, even after a formal request by local election monitoring organizations to do so. Imprisoned opposition candidate Fonseka filed a petition in court to overturn the results of the election, based on the allegations of elections law violations and counting fraud, but on October 29 the Supreme Court dismissed the case on technical grounds without rendering a decision on the merits of the case, stating that it would be impossible to prove in court whether the alleged fraud and violations occurred to the point of justifying the disqualification of Rajapaksa as a candidate.

There were reports that several thousand IDPs housed at the Manik Farm camp in Vavuniya were not able to vote because buses arranged for transporting them to local polling sites were late.

Several small explosions occurred in the area around Jaffna early on the morning of the election, but no injuries were reported as a result. However, some local observers reported that these may have dissuaded voters from going to the polls in those areas.

The parliamentary elections in April experienced some violence as well, but it was based largely on intraparty squabbles, as local candidates competed for preference votes within their own party constituencies.

There were reports of complications in the registration of some IDPs in the north later in the year as elections officials prepared for a full round of local and provincial elections expected in early 2011. The numbers of voters reportedly affected by these complications were relatively small.

Political parties largely were free to operate and name candidates as they wished.

There were 10 women in the 225-member parliament, two female ministers, and two women out of 11 justices on the Supreme Court. There were 28 Tamils and 17 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. Women's participation in politics was approximately 5 percent in the parliament and the provincial councils.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials in all three branches of the Government frequently engaged in corrupt practices with impunity.

The mandate of the Commission to Investigate Allegations of Bribery or Corruption expired during the year and had not been renewed by year's end.

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. In 2007 the Government used state pension funds to set up a new budget airline, Mihin Air, with many of the same officials serving as corporate officers. In May 2009 Mihin Air went bankrupt, but the 2009 budget allocated several million dollars to restart operations and continue leasing planes for the airline. Parliamentarians from the Janatha Vimukthi Peramuna (People's Liberation Front) complained in session that the airline's officials did not follow proper tender procedures in acquiring the planes.

In 2008 the Supreme Court found then treasury secretary P.B. Jayasundera guilty of a violation of procedure in the awarding of a large contract for the expansion of the Port of Colombo. The court barred him from holding the treasury position. In June 2009, after President Rajapaksa named a new Supreme Court chief justice, the Supreme Court allowed Jayasundera to proceed with a fundamental rights case protesting the original decision. The Supreme Court then overturned the previous decision and allowed Jayasundera to be reinstated as secretary of the treasury.

Although members of parliament are asked to complete financial disclosure reports upon their election, there was no follow-up to ensure compliance, and little or no reporting ultimately was done.

There was no law providing for public access to government information.

Section 5. 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 and physical threats to their work. The Government often criticized local NGOs critical of government actions, failed to respond to requests for assistance, and put pressure on those who sought such assistance. For example, the Government failed to investigate a death threat in August 2009 against one prominent civil society leader and instead opened an investigation of those who signed a public petition calling for an investigation.

NGOs which proposed undertaking projects in northern and eastern areas address such matters as psychosocial counseling, good governance training for local citizens, and legal aid often had difficulty in obtaining government work permits. Government officials sometimes made generic criticisms of local NGOs that accepted funding from international sources.

Although the ICRC did not have an overall operating mandate since July 2009, and the Government told ICRC in December to close its offices in Jaffna and Vavuniya, it was able nonetheless to conduct a number of its functions including prison visits and other monitoring.

International personnel of NGOs often had trouble getting visa renewals to continue working in the country.

The Government continued to refuse the request by the UN's Office of the High Commissioner for Human Rights for an expanded mission and an independent presence in the country.

The UN Secretary-General established an advisory panel of experts in June to advise him on the country's accountability mechanisms with regard to alleged violation of international human rights and humanitarian law during the final stages of the war in 2009. The Government responded by stating the panel was an "unwarranted and unnecessary interference," and that the secretary-general did not have the authority to establish such a panel. Shortly after the secretary-general's announcement, Wimal Weerawansa, minister of housing and construction, led a protest that surrounded the entrance to the main UN compound in Colombo, preventing staff inside from leaving for several hours. The secretary general called upon the Government to live up to its responsibilities as a host country to ensure the continuation of the UN's work. The protest continued for several days, with Weerawansa threatening to fast to the death unless the panel of experts was disbanded. The president asked Weerawansa to end the protest four days after it began. Although there were reports that the Government had agreed to allow members of the panel to visit the country as part of its research, at year's end the visit had not yet occurred.

By statute the Sri Lanka Human Rights Commission (SLHRC) had wide powers and resources and could 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, and there were reports of a large backlog of cases with virtually no action by the commission during the year. Rather than taking an investigative approach to determining the facts and details of human rights cases, the SLHRC instead took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing governmental interference in the work of the SLHRC.

In May the Government established the LLRC, a presidential commission with a six-month mandate to investigate the reasons for the breakdown of the Cease-Fire Agreement and the subsequent resumption of conflict until the end of the war. An eight-member panel of commissioners, including one Tamil and one Muslim, was appointed to collect evidence and testimony and to present a report to the president. Some international observers criticized the country's lack of witness protection, the limited scope of the LLRC—which did not have an explicit mandate to investigate alleged war crimes—as well as the impartiality of its Chairman, C.R. de Silva, whom they believe was responsible in part for the failure of a previous commission of inquiry. The Government extended the LLRC's mandate for another six months in November, a move criticized by some international observers as a tactic to delay addressing accountability. The time extension, however, did allow the LLRC additional time to gather testimony from hundreds of civilians, largely ethnic Tamils in the war-torn north and east, to provide the commission with testimony about missing family members and other war-related strife.

A significant number of witnesses were heard at LLRC sessions in Colombo, including historians, religious leaders, military officials, academics, and political figures. A wide variety of opinions were expressed at these sessions, including discus-

sions on the origins of the conflict, the role of language, devolution, and the successes or failures of past political leadership.

The LLRC also held a large number of field sessions in towns and villages throughout the former conflict areas in the north and east, where it accepted oral and written testimony from civilians who were affected by the war. Missing persons reports were accepted from hundreds of persons who had lost close relatives either during the fighting or in the mass exodus of Tamil civilians from the final conflict zone in the immediate aftermath of the end of the war. Many of these reports cited forced recruitment tactics by the LTTE, but others blamed government military and police for arresting their relatives, with no word from them since. Others told of the deaths of relatives from shelling and indiscriminate firing by both the LTTE and the Government in civilian areas and so-called no-fire zones.

On September 13, the LLRC made a number of interim recommendations to the president on steps to help alleviate continued ethnic tensions and respond to individuals' most pressing requests but made no mention of investigation of allegations of war crimes. The Government created an interagency committee in late October to implement these interim recommendations, which addressed detentions, land-ownership concerns, law and order, language problems, and economic and livelihood development. At year's end the interagency committee was working on implementation of the recommendations. The LLRC also created a website on which it published testimony from a number of individuals who appeared before the commission, including some from individuals whose family members disappeared during the war.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally respected these rights in practice; however, there were instances wherein which gender and ethnic-based discrimination occurred.

Women.—The law prohibits rape and domestic violence but it was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive societal 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 legally separated. While in theory the law could address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary to see progress in combating these crimes. The Bureau for the Protection of Children and Women (BPCW) within the police conducted awareness programs in schools and at the grassroots level, prompting women to file complaints. The BPCW received 714 complaints of grave violent crimes and 2,391 minor crimes against women during 2009.

There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred in areas with heavy security force presence, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. The Government did not release any details about prosecutions or punishments for such offenses, and some observers suggested that there was reluctance by victims to report such incidents in northern and eastern areas where security forces were much more prevalent. Statistics on numbers of such cases also were unavailable because few victims reported such incidents. Human rights groups in northern districts alleged that the wives of men who were killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability.

According to the BPCW 175 reported incidents of rape occurred through August 2009 throughout the island, but reported incidences of rape were unreliable indicators of the degree of this problem, as most victims were unwilling to file reports. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding.

Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged sexual harassment to be widespread; however, enforcement of the law was not effective. Domestic violence was also thought to be widespread, although, as with sexual harassment, discussion of these problems was not common.

Couples and individuals were generally free to decide the number, spacing, and timing of their children. An estimated 40 percent of the population used modern contraceptives, and skilled attendance during childbirth was estimated at approximately 97 percent. According to 2008 UN estimates, the maternal mortality rate in the country was 39 deaths per 100,000 live births. Women appeared to be equally diagnosed and treated for sexually transmitted infections, including HIV. The UN

and World Health Organization estimated approximately 4,000 persons were infected with HIV in 2007.

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 had equal rights under 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.

Children.—Citizenship was obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas. The law requires 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.

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 way 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 inadequate legislation. The BPCW conducted investigations into crimes against children and women, and the National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During 2009 the BPCW received 1,974 complaints of grave violent crimes and 986 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 of age, 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' imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine. By the end of 2009 the Government opened 1,575 files, of which 497 resulted in indictments for sexual assault and exploitation of children, including kidnapping, cruelty to children, rape, and statutory rape; 299 cases were dismissed, and 303 cases were referred to the police for further investigation. The remaining were pending at the end of 2009, and no further details were available at year's end.

Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that approximately 6,000 children were exploited for commercial sex in the country and that local citizens were responsible for much of the exploitation. Other groups believed foreign tourists were more frequently the exploiters of thousands of children, especially boys, for commercial sex, most of whom were reportedly forced into prostitution by traffickers. There was little solid data to elucidate these reports, and some observers stated the problem was much less prevalent than approximately 10 years ago. 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 halted programs to raise awareness for at-risk children in resort regions prone to sex tourism due to a lack of funding.

Children in the IDP camps and resettled areas were exposed to the same difficult conditions as adult IDPs and returnees in these areas. School facilities were being demined and reconstructed, but many were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout the year.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish population remained very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities; 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. Due to a lack of funding, the Department of Social Services reportedly discontinued a program that allowed job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. This program assisted 147 persons with disabilities in finding jobs in 2008. Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of such persons who in some cases rarely or never left their homes.

In October 2009 the Supreme Court directed that steps be taken to provide easy access for persons with disabilities to public buildings, but little progress occurred. There were regulations on accessibility, but 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. During the year the department provided a monthly allowance grant of approximately 3,200 rupees (\$29) to approximately 2,100 families of persons with disabilities.

National/Racial/Ethnic Minorities.—Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, and other matters controlled by the Government. According to the SLHRC, Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and to report their presence to the police, although in practice many landlords did not comply.

Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-age Tamil men by security forces and paramilitary groups.

A small ethnic group known as Kaffari or Kaffirs existed in very small numbers, mostly in the coastal areas of Negombo, Trincomalee, and Batticaloa. They were thought to be the descendants of African slaves originally brought to the country by the Portuguese sometime in the 16th century. They numbered approximately 1,000 and had dwindled in number largely due to many years of intermarriage. They did not appear to suffer from any overt discrimination, but because of their small number they struggled to maintain any distinct cultural identity.

Indigenous People.—The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life and were nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, the 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes homosexual activity but was not officially enforced. Some NGOs working on LGBT problems did not register with the Government. In recent years human rights organizations reported that, while not actively arresting and prosecuting those who engaged in LGBT activity, police harassed and extorted money or sexual favors from those persons and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported. There were LGBT organizations, and several events were held throughout the year. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community. There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes.

Other Societal Violence or Discrimination.—There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there were reports of societal discrimination against these groups.

Section 7. Worker Rights

a. The Right of Association.—The law allows 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 may not unionize. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, a union must represent 40 percent of workers at a given enterprise before the employer is legally obligated to bargain with it. By law public sector unions are not allowed to form federations or represent workers from more than one branch or department of government, although the law was not generally enforced.

Approximately 10 percent of the national workforce of 7.5 million and more than 70 percent of the plantation workforce was unionized. Approximately 11 percent of the nonagricultural workforce in the private sector was unionized. Unions represented 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.

In practice the right of association was impeded by the management of individual factories and by administrative delays by the Government in registering unions.

Approximately 122,000 persons were employed within the country's 12 export processing zones (EPZs), where the Board of Investment (BOI) set minimum wages and working conditions. Although EPZ employees have the same rights to join unions as other workers, forming trade unions was more difficult in the zones. The BOI controlled access to the EPZs; union representatives seeking to organize workers and other outsiders could enter only at the invitation of factory owners or the BOI. Unions claimed their lack of access to the zones drove the EPZs' low rate of unionization. They also reported that some employers actively undermined the formation of EPZ unions. Many employers claimed that low unionization was due to higher relative wages in the EPZs and to a relatively transient workforce.

To address concerns about working conditions and freedom of association, the Labor Ministry set up offices, also known as mediation centers, in the three largest EPZs. For the first time, the ministry began conducting its own unannounced inspections in the EPZs and placed labor inspectors on-site in several of the largest EPZs.

Most large unions were affiliated with political parties and played a prominent role in the political process, although some unions in the public sector were politically independent. The Department of Labor is authorized to cancel a union's registration if the union fails to submit an annual report for three years.

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. The president has broad discretion to declare sectors "essential," as these can include "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." The International Trade Union Confederation (ITUC) claimed the Government misused its power to declare an industry "of public utility" in order to make strikes illegal.

The law prohibits retribution against strikers in nonessential sectors; in practice, however, employees sometimes were fired for striking.

The law allows unions to conduct their activities without interference, but the Government enforced the law unevenly. Union activists and officials remained subject to harassment, intimidation, and other retaliatory practices. There were reports that employers arbitrarily transferred union members, and there were numerous reports of unfair dismissals of union members.

On November 28, two trade unionists were arrested and charged with causing incitement for rioting by distributing pamphlets that raised concerns over the possible economic and environmental affect of a proposed development project.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, the Government did not effectively enforce it in all instances. All collective agreements are required to be registered with the Department of Labor. Collective agreements normally were for three years.

Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities but could transfer them to different locations. Antiunion discrimination was a punishable offense liable for a fine of 20,000 rupees (\$177).

According to the Government only the Department of Labor, a division under the Ministry of Labor, has standing to pursue an unfair labor practice case, including for antiunion discrimination. Citing routine government inaction on alleged violations of labor rights, unions have long pressed for standing. Since 1999 the Department of Labor filed two cases against companies for unfair labor practices under the

Industrial Disputes Act, in 2009 and 2010. Those cases continued at the end of the year. Workers brought some labor violations to court under various other labor laws instead, such as the Wages Board or Employees Provident Fund Acts. Several employers were under investigation under these statutes.

In practice employers often indefinitely delayed recognition of unions for collective bargaining. The ITUC and other organizations reported that employers used these delays to delay or prevent the formation of a union, to decrease support for unionization, and to identify, terminate, and sometimes assault or threaten union activists.

There were credible reports that employers in the EPZs financed and supported employees' councils which then engaged in some labor and management negotiations. Labor organizations asserted these councils were a means of discouraging organization of and participation in traditional unions, and that they significantly weakened the bargaining positions of employees. The Government disputed these allegations and stated the higher number of worker councils reflected employee preferences to resolve disputes at the company level rather than via large unions.

Unions argued that restricted access to the EPZs for union and NGO representatives hindered efforts to organize workers. According to the BOI, as of December there were 14 trade unions active in 39 of the EPZs' 267 factories; worker councils were active in 144.

c. Prohibition of Forced or Compulsory Labor.—The law prohibited forced or bonded labor; however, there were reports that such practices occurred. The country's men and women emigrated to many countries, where some found themselves in conditions of forced labor. The risk of forced labor was increased by indebtedness and fraud from recruitment fees incurred in the country before departure. There were unconfirmed reports that children were subjected to bonded labor in dry-zone farming areas, on plantations, and to a lesser extent, in the fireworks and fish-drying industries. Bonded labor reportedly occurred in the agriculture, mining, and rope-making sectors, although those allegations were not confirmed.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment was 14, although the law permitted the employment of younger children by their parents or guardians in limited family agriculture work or in technical training. Persons under age 18 could not be employed in any public enterprise in which the work was considered dangerous.

The largest sector for child labor, both legal and illegal, was agriculture, where children under 18 sometimes were employed in the plantation sectors and in non-plantation agriculture during harvest periods. Children were engaged in hazardous and exploitative child labor as street and mobile vendors, and domestic helpers. They also worked in agriculture, mining, construction, manufacturing, and transport services. There were also reports that children performed dangerous work in the tile, fishing, construction, and mining industries. Children displaced by the war had a higher risk of being employed in hazardous labor.

Sources indicated 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, and there were also reports of rural children in debt bondage in urban households. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

There were no reports of children employed in the EPZs, the garment industry, or any other export industry.

The NCPA was the central agency for coordinating and monitoring the protection of children, with the specific mandate to enforce laws on child labor and hazardous child labor. The Department of Labor, the Department of Probation and Child Care Services, and the police, which operated a specially designated Children's and Women's Bureau to enforce child labor laws, were also responsible for the enforcement of child labor laws. The NCPA received approximately 154 complaints of child employment during the year, compared with 79 in 2009. Other agencies also collected reports of child labor, however, and it was difficult to tell when there were multiple reports of the same instance. The police's Children's and Women's Desk had received 211 complaints by June, compared with 247 during the same period in 2009. The Department of Labor received 150 complaints by October, compared with 149 during the same period in 2009. Information on litigation during the year was not available. Penalties for employing minors are 10,000 rupees (\$89) or 12 months' im-

prisonment. From January to October, the Department of Labor carried out 150 inspections on child labor and found 11 cases of child labor violations.

During the year the Government published a road map for the elimination of worst forms of child labor by 2016. This plan was developed with assistance from workers representatives, the International Labor Organization, and UN Children's Fund. In December the parliament named 51 occupations as hazardous and prohibited for children.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 monthly wage in the private sectors covered by wage boards was 6,900 (\$62) rupees plus an extra allowance of 1,000 rupees (\$9), for a total of 7,900 rupees (\$71). The minimum wage in the public sector was 11,730 rupees (\$105). Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the wage and is paid for work done on either Sundays or holidays.

According to labor organizations, employers in EPZs frequently failed to pay wages owed when downsizing or closing factories.

Several laws protect the safety and health of industrial workers, but the Ministry of Labor Relations and Manpower's efforts were inadequate to enforce compliance. Health and safety regulations do not fully meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware of such rights or feared they would lose their jobs if they removed themselves from the work situation.

Emigrant laborers also faced abuse. There were cases in which recruitment agencies promised one type of job to a Sri Lankan migrant but changed the job, employer, or salary after the employee arrived in the other country.

TAJIKISTAN

Tajikistan, with a population of more than seven million, is an authoritarian state, and President Emomali Rahmon and his supporters, drawn mainly from one region of the country, dominated political life. The constitution provides for a multiparty political system, but in practice the Government obstructed political pluralism. The parliamentary elections conducted during the year were marked by widespread fraud committed by government officials to ensure victories for members of the ruling People's Democratic Party of Tajikistan (PDPT). The PDPT, progovernment independents, and government-affiliated political parties dominate the 63-member parliament. The opposition Islamic Revival Party of Tajikistan (IRPT) and Communist Party of Tajikistan have two seats each in parliament. Security forces reported to civilian authorities.

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; impunity for security forces; denial of right to fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; restrictions on freedoms of speech, press, association, and religion; corruption, which hampered democratic and social reform; violence and discrimination against women; arbitrary arrest; 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 arbitrary or unlawful killings, but at least one individual died while in government custody during a period when he was subjected to interrogation (see section 1. c.).

On September 3, unknown individuals attacked a government building in Khujand, resulting in four deaths and 28 injuries.

On September 25, armed gunmen attacked government troops in the Rasht valley, killing at least 23 soldiers returning from a patrol. The Government launched a se-

curity operation in the area and battled armed militants; hostilities resulted in an unknown number of government, militant, and civilian casualties. Though active operations have largely ended, the Government maintains a significant law enforcement and military presence in the area.

According to the Tajikistan Mine Action Center and the Landmine Monitor, there were five casualties in three incidents due to unexploded ordnance during the year. On February 19, three children in Panj District found a shell while playing. The shell exploded, killing two and injuring one. On May 5, an antipersonnel mine injured a military deminer during clearance activities in Vanj District, Gorno-Badakhshan Autonomous Region. On October 12, an antipersonnel mine explosion injured a deminer in the Tavildara district during clearance activities.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits the use of torture, but there is no specific definition of torture in the law, or a provision of criminal liability for committing an act of torture. An article in the new Criminal Procedure Code (CPC) states that evidence acquired through torture is inadmissible. Some security officials reportedly continued to use beatings or other forms of coercion to extract confessions during interrogations. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

In July a military conscript, Anvarjon Muhammadjonov, died while serving with his unit. The military reported that he died of exposure to electricity, but his body allegedly showed signs of being beaten.

In March Usman Boboev died while being investigated by security officials in the Sughd region. Authorities suspected Boboev of membership in the Islamic Movement of Uzbekistan. There are reports that his body was marked with signs of physical abuse from his time in government custody. On April 27, officials arrested two police officers in connection with Boboev's death. The officers returned to duty in September. Sughd officials reported that the investigation is ongoing.

In April officials from the Anti-Organized Crime Police arrested two former members of the United Tajik Opposition, Zarifjon Rahimov and Nosirjon Shunkhorov. The individuals spent two days in custody. Rahimov and Shunkhorov claimed police agents tortured them in an effort to extract false confessions of crimes. Ministry of Interior (MOI) officials stated the allegations were groundless and did not take any action against the officials who allegedly tortured the former opposition members.

Prison and Detention Center Conditions.—The Government did not permit international observers access to monitor its prisons. Exact conditions in the prisons remain unknown. However, there have been reports that overall prison conditions were poor. Detainees and inmates described harsh and life-threatening prison conditions, including extreme overcrowding and unsanitary conditions. Disease and hunger were serious problems. UN agencies reported that infection rates of tuberculosis and HIV in prisons were significant, and the quality of medical treatment was poor.

The Government operates eight prisons, including one for females, and four pre-trial detention facilities.

The Ministry of Justice (MOJ) continued to deny 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 nongovernmental organizations (NGOs) were given access to implement assistance programs or carry out consular functions, but their representatives were limited to administrative or medical sections, and MOJ personnel accompanied them. The Government did not sign an agreement with the International Committee of the Red Cross (ICRC) to allow free and unhindered access to prisons and detention centers, and the ICRC's international monitoring staff has not returned to the country since 2007. Prisoners are permitted to pray within their cells. There are no known cases of prisoners submitting formal complaints regarding conditions.

d. Arbitrary Arrest or Detention.—The new Criminal Procedures Code that went into effect on April 1 states that individuals may appeal investigators' actions and decisions to the prosecutor supervising the execution of the law during pretrial investigation. The prosecutor's actions and decisions can be appealed to a higher prosecutor or the court. The law does not explicitly prohibit arbitrary arrests and, in practice, arbitrary arrests were common. Few citizens were aware of their right to protest an arrest, and there were few checks on the power of police and military officers to detain individuals. Police often detained men wearing beards, for example, and questioned them on suspicion of extremism.

Role of the Police and Security Apparatus.—The MOI, Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), State Committee for National Security (SCNS), State Tax

Committee, and Customs Service shared civilian law enforcement responsibilities. The MOI is responsible primarily for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee each have a mandate to investigate specific crimes, and they report to the president. The SCNS has responsibility for intelligence and controls the Border Service, but it also investigated cases linked to alleged extremist activity. The Customs Service reports directly to the president. The Prosecutor General's Office oversees criminal investigations that these agencies conduct.

The agencies' responsibilities overlapped significantly, and law enforcement organizations deferred to the SCNS. Law enforcement agencies were not effective in investigating organized criminal gangs because the gangs maintained high-level connections with government officials and security agencies. Narcotics agencies, for example, are regularly ordered off of investigations by high-level officials with ties to drug traffickers.

Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims chose to remain silent rather than risking retaliation by the authorities. The Ombudsman's Office for Human Rights opened in May 2009 and made efforts to respond to complaints about civil rights violations. The office lacked full independence, and the ombudsman rarely intervened in cases when government officials violated human rights.

Arrest Procedures and Treatment While in Detention.—According to the new CPC, police may detain an individual at a police station up to 12 hours before they must file criminal charges. If charges are not filed after 12 hours, the individual must be released. Defense advocates alleged that prosecutors often held suspects for longer periods and only registered the initial arrest when the suspect was ready to confess; individuals often were not informed the reason for their arrest. If criminal charges were filed, the police may detain an individual 72 hours from the moment of detention before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail, pending trial. In most cases, pretrial detention lasted from one to three months, but could extend as long as 15 months in exceptional circumstances. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

According to the CPC, family members are allowed access to prisoners after indictment; officials occasionally denied attorneys and family members access to detainees. Authorities held detainees charged in crimes related to national security or extremism for extended periods without formally charging them.

The Government generally provided a rationale for arrests, although some detainees claimed that authorities falsified charges or inflated minor problems to make politically motivated arrests. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive branch exerted pressure on prosecutors and judges. Corruption and inefficiency were significant problems.

Trial Procedures.—Defendants are legally afforded a presumption of innocence, but they do not enjoy it in practice. Nearly all defendants are found guilty. In Sughd Province, for example, there was only one acquittal out of 1,650 court verdicts during the year. Trials are presided over by a judge, who issues verdicts. There is no system of trial by jury. Defendants generally were able to consult with an attorney in a timely manner during trials, but were often denied the right to an attorney during the pretrial and investigatory periods. By law the Government should provide an attorney at public expense if requested, but the Government rarely provided free legal aid. A number of local and international NGOs provided free legal counsel to defendants.

Defendants may present witnesses and evidence at trial with the consent of the judge. 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. In practice courts generally gave prosecutorial testimony more consideration than defense testimony. The law provides for the right to appeal. The law extends the rights of defendants in trial procedures to all citizens.

Low wages for judges and prosecutors left them vulnerable to bribery, which was a common practice. Government officials subjected judges to political influence.

On January 14, a defense attorney presented a recording of Nur Nurov admitting that he issued long sentences to 31 Isfara residents on politically motivated orders from high-ranking government officials. The Government did not investigate the allegations, nor were the convictions against the 31 Isfarans reexamined. Nurov con-

tinued working as a judge and the 31 Isfarans remained in prison. Nurov and two other judges sued three newspapers for libel for publishing the allegations. At close of the reporting period, the libel cases remained open (see section 2. a.).

The Government addressed problems of judicial integrity by holding some judges and prosecutors accountable for criminal conduct. During the year the Government arrested three judges for corruption.

Trials are public, except in cases involving national security. NGOs reported they generally were permitted to monitor trials, although they were sometimes denied without explanation.

Political Prisoners and Detainees.—Authorities claimed that there were no political prisoners and that they did not make any politically motivated arrests. Opposition parties and local observers claimed the Government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners, but the Government held many former members of the UTO in prison.

In December Abdusattor Boboy, a 69-year-old resident of Zafarobod District, was arrested and charged with “inciting national enmity” for publicly disagreeing with government policies regarding the Roghun hydroelectric dam (see section 4). He remained in detention at close of the reporting period.

On June 10, courts convicted IRPT member Muhammadruzi Burhonov to one year in prison for election fraud for allegedly voting on behalf of his family members during the February elections. Family voting, although illegal, was ubiquitous during the elections, leading many observers to conclude that Burhonov was subjected to selective prosecution because of his party affiliation. Despite numerous reports of government officials changing vote totals to ensure victories for PDPT candidates, Burhonov was the only individual convicted of an election-related crime during the election. He was granted early release in November.

Former Democratic Party of Tajikistan Chairman Mahmadrusi Iskandarov remained in prison serving a 23-year sentence following his 2005 conviction for terrorism and other charges. He was arrested in Russia prior to the 2005 parliamentary elections and transferred to Tajikistan. In September the European Court of Human Rights ruled that Russian law enforcement authorities violated Iskandarov’s rights by unlawfully extraditing him. The court ordered Russian law enforcement authorities to pay 30,000 euros (\$40,200) to Iskandarov for moral damage and 3,000 euros (\$4,020) for legal costs.

Civil Judicial Procedures and Remedies.—Civil cases are heard in general civil courts, economic courts, and military courts. Judges may order monetary compensation for victims in criminal cases. There have been no known cases of individuals filing civil cases for alleged violations of human rights.

Property Restitution.—The Government has on several occasions taken private property with little or no justification, public notice, or debate. By law the Government must offer residents compensation equal to the value of their abandoned property, but compensation property was often of lesser value. Judges ruled in favor of the Government when residents challenged the inadequacy of compensation.

In May 2009 a new synagogue opened in Dushanbe, in a building provided by Hasan Asadullozoda, the head of Orion Bank and brother-in-law of the president. In 2008 officials demolished the country’s former synagogue to make way for a new presidential palace after a local court upheld an eviction order against the Dushanbe Jewish community, despite significant irregularities in the process.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that the home of a person is inviolable. With certain exceptions, it is illegal to enter the home of a person by force and deprive a person of a home. The CPC states that police cannot enter and search a private home without the approval of a judge. Searches may be carried out with only a prosecutor’s authorization in exceptional cases, “where there is an actual risk that the object searched for and subject to seizure may cause a possible delay in discovering it, be lost, damaged or used for criminal purposes, or a fugitive may escape.” The law states that courts must be notified of such searches within 24 hours. In practice police frequently ignored these laws and infringed on citizens’ right to privacy, and citizens were sometimes searched without a warrant.

According to the CPC, “when sufficient grounds exist to believe that information, documents, or objects that are relevant to the criminal case may be contained in letters, telegrams, radiograms, packages, parcels, or other mail and telegraph correspondence, they may be intercepted” with a warrant issued by a judge. The law says only a judge may authorize monitoring of telephone or other communication. In practice government security organs often monitored communication without judicial authorization.

There were no reports of government restrictions or interference with the right of men and women of full age to marry or have children, including the timing and spacing of children.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, but in practice the Government restricted these rights. Under the law, a person can be imprisoned for as long as five years for insulting the president.

Independent media were active, despite significant pressure by the Government on media outlets. Journalists regularly practiced self-censorship to avoid retribution from officials. Although some print media published political commentary and investigatory material critical of the Government, journalists 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.

From September to December, the Government blocked five Web sites and stopped the publication of three newspapers. The blockages occurred during a period of violence in the Rasht Valley. On October 6, printing houses denied publication to two independent newspapers: Paykon, and Farazh. On October 20, printing houses refused to publish a third newspaper, Nigoh. Printing houses refused to print the newspapers due to “technical difficulties,” but media observers believed the Government pressured the printing houses to refuse publication. Printing houses resumed printing Nigoh on November 18, Paykon on November 24, and Farazh on December 30.

On November 23, Makhmadyusuf Ismoilov, a reporter with the Dushanbe-based independent weekly Nuri Zindagi, was arrested in Asht District and later charged with inciting religious and national hatred, slander, insulting honor and dignity of an individual, and extortion. Media analysts alleged that the charges were politically motivated. Ismoilov wrote several articles documenting corrupt acts committed by Asht District officials. He remained in detention at year's end.

On October 4, the minister of defense accused journalists of supporting terrorism through their coverage of events in the Rasht Valley.

On September 3, independent journalists were briefly detained when attempting to photograph the results of a terrorist attack against the Government which happened the same day in Khujand and their images were confiscated.

In January 29, three judges filed a libel lawsuit against three independent newspapers: Asia-Plus, Ozodagon, and Farazh. The newspapers had reported a lawyer's allegations that the judges had convicted individuals based on pressure from high-level government officials (see section 1.e.). Also in January, the Ministry of Agriculture filed a libel lawsuit against the independent newspaper Millat after it published a report on corruption at the ministry. Judges referred the cases to the Academy of Sciences for analysis. A 2009 libel case filed by the country's product-licensing agency, Tojikstandard, against the newspaper remains open. All five newspapers continued to operate at year's end, but the cases against them remained open.

There were four state-run television channels that broadcast throughout the country and five state-run television stations that broadcast regionally. There was one national and several regional state-run radio stations. Several independent television and radio stations were available in a small portion of the country, but the Government controlled most broadcasting transmission facilities. The Government refrained from inviting independent media to press conferences and other events.

Independent radio and television stations experienced bureaucratic delays to registration. New stations must be licensed by the Commission of the National Committee on Television and Radio, which directly managed the national television and radio stations. The Government restricted issuance of licenses to new stations, in part through an excessively complex application process. A Dushanbe-based media outlet was given permission to produce audio and video products. According to media analysts, more than 20 privately owned broadcasting organizations were unable to begin working because the licensing commission had rejected their documents over the last four years. The Government promised to process these documents but made no further progress in this area. Media NGOs have called for an end to the National Committee on Television and Radio's control of licensing, noting the committee's conflict of interest due to its management of the national stations. Only a few of the privately held television stations were genuinely independent, and government officials at times interfered with their operations.

The Government allowed some international media to operate freely and also permitted rebroadcasts of Russian television and radio programs. The Government continued to deny BBC a renewal of its license to broadcast on FM radio. BBC broadcast a Persian-language television station via satellite. Community radio stations

continued to experience registration and licensing problems that prevented them from broadcasting. The Russian language K Plus operated in the country and broadcast via satellite from Kyrgyzstan. International media were not invited to events held at the presidential palace and other official functions. The authorities denied a visa to a journalist from a Web site.

Opposition politicians had limited access to state-run television. The Government gave opposition parties minimal airtime to express their political views, while the president's party had numerous opportunities to broadcast their messages.

The Government exercised some restrictions on the distribution of materials. All newspapers and magazines with circulations exceeding 99 recipients were required to register with the Ministry of Culture (MOC). According to the MOC, there were 244 registered newspapers and magazines, 128 of them private. A new daily newspaper, ImruzNews, began publishing in September. Hassan Asadullzoda, President Rahmon's brother-in-law, owns the newspaper. Asia-Plus began publishing twice a week; the remaining newspapers published weekly. There were 10 information agencies, nine of them private. Several of these were independent, several were strongly influenced by the Government, and several were nonfunctioning. The Government distributed state newspapers via the national mail service, forcing state agencies, local administrations, and schools to receive subscriptions. No attempts were made to use the mail service to facilitate the distribution of independent newspapers to the country's least accessible regions.

The Government continued to control all major printing presses and the supply of newsprint.

Internet Freedom.—There were some government restrictions on access to Internet Web sites. In October Deputy Minister of Transport and Communications, Bek Zuhurov, ordered Internet providers to block five independent news Web sites. Two sites were unblocked on October 12 and 30, respectively. A group of foreign ambassadors brought their concern over the Web site blocking and the stoppage of newspapers to the Ministry of Foreign Affairs.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail. A cybercrimes and communications unit of the Combating Organized Crime Department was formed in August. One of its tasks is to monitor activity in Internet cafes and electronic gaming centers. According to the International Telecommunication Union, 9.3 percent of the population used the Internet. A lack of infrastructure limited the public's access to the Internet.

Academic Freedom and Cultural Events.—The Ministry of Education revoked the license of the country's only private higher education institution, the Institute of Innovative Technologies and Communication (IITC), claiming that it "failed to meet the ministry's standards." Dushanbe courts upheld the revocation despite the failure of the Ministry of Education to present any significant violations of academic standards committed by the IITC. The IITC employed several prominent members of opposition political parties, and observers alleged that its closure was politically motivated. The Ministry of Education began its actions to close IITC in 2008, after the institute fired a rector, Khayol Boboev, for corruption. Boboev was reportedly an associate of the Education Minister, Abdujabbor Rahmonov.

The Ministry of Education maintained a dress code that bans the hijab (a head covering traditionally worn by Muslim women) in schools and universities; several students and at least one teacher at Tajik National University were expelled and fired for wearing it. Women wearing a traditional local head covering, a scarf that covers hair but not the neck, were allowed to study in schools and universities. In September Minister of Education Rahmonov publicly mocked and threatened a group of parents and students at a school opening ceremony because the students' mothers were in hijab. He threatened to expel the students and called the women in hijab "monkeys."

The Ministry of Education maintained its ban on beards for teachers younger than 50 years old. Teachers older than the age of 50 may not wear beards longer than one and one-fourth inches.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution provides the right to freedom of assembly, but the Government requires that individuals obtain permission from the Government to stage public demonstrations. Individuals considering staging peaceful protests chose not to do so out of fear of government reprisal.

On April 12 and 13, several hundred persons protested the imposition of new toll stations on the road from Dushanbe to Khujand. Villagers that would be affected by the new tolls allegedly organized the protests. Government officials first promised to accede to protesters' demands that local residents should be exempt from the

tolls, but the next day threatened them with imprisonment if they did not end their protest.

Freedom of Association.—The constitution protects freedom of association. In practice the Government restricted this right. The Law on Observing National Traditions and Rituals provided a basis for the Government to infringe on individuals' ability to hold private events such as weddings 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 assure that all parties obeyed the law.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 International Religious Freedom Report at <http://www.state.gov/g/drl/irf/2010/>.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, but in practice the Government imposed some restrictions. Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan unless they obtain permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the Government continued to require travelers (including international workers and diplomats) to obtain special permits to visit 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.

The Government provided protection and modest assistance to resettle any citizens who returned voluntarily, and it cooperated with international organizations that helped to fund assistance and resettlement programs.

Protection of Refugees.—The Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, in May the Government extradited Kyrgyz asylum-seeker Nematullo Botakuziev after holding him incommunicado for nearly three months in a State Committee for National Security detention facility. The Government denied Botakuziev access to his lawyer and representatives from the UN High Commission for Refugees (UNHCR), despite repeated requests, before finally extraditing him to Kyrgyzstan. The UNHCR did not report other deportations of individuals registered as refugees during the year. The Government otherwise respected protection letters issued by the UNHCR and allowed those holding the letters to remain in the country while the UNHCR considered their claims.

According to the UNHCR, the inflow of refugees from Afghanistan continued unabated during the year. By December the Government had 2,538 registered refugees in country with an additional 1,676 asylum seekers trying to receive refugee status. However, the UNHCR believed the Government might have underestimated these figures. Official government statistics showed Afghan, Iranian, and Kyrgyz refugees as well as asylum seekers. As in previous years, approximately 98 percent of all these refugees and asylum seekers were Afghan. Following conflict between ethnic Uzbeks and Kyrgyz in neighboring Kyrgyzstan, a small number of ethnic Uzbeks from the south of Kyrgyzstan crossed into the country seeking asylum in June and July. These asylum seekers were processed through the refugee protection system, and approximately 70 such refugees remained in the country. Overall the Government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

The Government generally succeeded in registering those with a claim to refugee or asylum seeker status, but it also placed significant restrictions on claimants. Officials continued to enforce a 2000 law prohibiting asylum seekers and refugees from residing in urban areas. Security officials regularly monitored refugee populations. The Government continued to demonstrate a particular concern about the country's population of Afghan refugees. Refugees and asylum seekers who were believed to be residing in prohibited areas were subject to police raids throughout the year.

The process for making asylum status determinations remained problematic and nontransparent. The Government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to prevent deportation. When denying refugee status, officials usually cited lack of evidence of persecution in the refugee's home country or "malpractice" on the part of refugees applying to renew their status—such as violation of the prohibition of living in Dushanbe. Unofficially some refugees claimed the authorities could deny cases if sufficiently high bribes were not paid.

Although the law stipulates that refugee status should be granted for as long as three years, the transfer of refugee processing to the Ministry of the Interior in 2009 resulted in much shorter periods. During the year many Afghan refugees were granted status for up to one year, after which they had to reapply for status to stay in the country. Although the law officially allows refugees to apply for citizenship after two and a half years, very few cases have been granted citizenship in the past. The several citizenship cases the UNHCR submitted for direct consideration this year were either refused or remained pending.

Refugees and asylum seekers generally were required to secure employment, food, shelter, education, and access to basic services themselves, although the UNHCR provided significant assistance. By law registered refugees should have equal access to law enforcement and the judicial system. The UNHCR is not aware of any cases of refugees being denied access to the courts or judicial process. An increasing percentage of refugees entering the country do not possess professional backgrounds or job skills, and many face discrimination by the local Tajik population. Requirement to live outside urban areas created additional problems for finding adequate work. The UNHCR provided some assistance to women refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing. Most male refugees worked for small enterprises. Most women refugees did not work and remained in the home, in accordance with traditional cultures. Refugees and asylum seekers are legally entitled to education and health services alongside Tajik citizens. The Ministry of Education allows Afghan parents to send their children to local schools without paying fees. UNHCR partners provide books and school uniforms and some language classes to these children and assist with their medical expenses.

In 2008 during a visit of the UNHCR High Commissioner, the Government and UNHCR signed an agreement regarding local integration of refugees into the general population as a more durable solution to the refugee situation. The Government promised to consider individual refugee cases for citizenship. Many of these cases remain pending.

The Tajik Migration Service has 326 individuals registered as stateless persons. These statistics, which may reflect a number of Tajiks who left the country to live in Uzbekistan during the civil war from 1992-97 and later returned, are not considered reliable by the 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 through elections. In practice the Government restricted this right.

The president and his supporters, primarily from his home region of Dangara, continued to dominate the Government. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament. Members of the PDPT held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year.

Elections and Political Participation.—In February the Government held national elections of the lower house of the parliament, the Majlisi Namoyandagon. There were reports that officials obstructed some meetings organized by IRPT and Social Democratic Party of Tajikistan campaign workers during election season. Official media allotted only minimal time for opposition political parties in state media. The elections were marked by widespread fraud committed by government officials to suppress vote totals of opposition political parties, particularly the IRPT, and ensure victories for the ruling PDPT. Despite the presence of international monitors, officials openly changed vote registers to inflate PDPT totals. The observation report of the Office for Democratic Institutions and Human Rights stated that the parliamentary elections failed to meet many key commitments of the Organization for Security and Cooperation in Europe (OSCE). Despite widespread reports of fraud, no government officials were charged with fraud related to the elections.

There were eight legally registered political parties, including the PDPT. Observers considered only three of these parties to be independent of the Government. Opposition political parties had moderate popular support, and faced scrutiny by the Government. All senior members of President Rahmon's government were PDPT members, except one minister who was chairman of the progovernment Party of Economic Reforms. Most members of the country's 97-seat parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

In the lower, 63-member chamber of the parliament there were 12 female members and one minority group member. In the upper, 33-member chamber of parliament there were five women and one member of a minority group. Cultural prac-

tices discouraged female participation in politics, although the Government and political parties made efforts to promote their involvement.

There were no female ministers or ministers from minority groups. The deputy prime minister was a woman; several women held deputy minister positions.

Section 4. Official Corruption and Government 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. Corruption, nepotism, and regional hiring bias were pervasive at all levels of government.

Government officials at all levels and in all regions extorted money from citizens and businesses in a state campaign to raise funds to build the Roghun hydroelectric dam during the first half of the year. Those directly on the public payroll were the most vulnerable. Teachers, doctors, and government employees were instructed to buy shares or their employers would fire them. University students were forced to show their professors share certificates before being allowed to sit for exams. Businesses were told they would be assessed fines for failing to purchase shares. The amounts demanded varied widely. According to some reports, poor villagers had to pool resources to buy one share at TJS 100 (\$22.70). Students had to buy between one and four shares. University professors were forced to buy as much as TJS 4,452 (\$1,000) in shares; some doctors had to spend as much as TJS 22,261 (\$5,000). The country's few large companies were told to pay many millions of dollars.

The Government raised more than TJS 845 million (\$190 million) in Roghun shares. High-level government officials insisted that the purchases were voluntary, while first-person accounts from low-level officials admitting their use of coercion indicated precisely the opposite. Reports of forced purchases declined quickly after the Government agreed to a request by the International Monetary Fund to end the campaign in June.

The forced sales had a negative effect on poverty and corruption. Customs officers at Dushanbe's international airport were required to buy Roghun shares amounting to many times their monthly salaries, with the expectation that they would need to extract bribes to obtain money to buy Roghun shares.

In March the Government began charging tolls on Tajikistan's main highway, the road from Dushanbe to the country's second-largest city, Khujand. The Government stated that the contract to manage the road (and collect the tolls) was awarded based on a competitive bidding process, but no tender was ever announced, and almost nothing is known about the company that received the contract, "Innovative Road Solutions" (IRS). The company appears to be based in the British Virgin Islands, and reports have circulated that it is run by a member of the president's family. Officials have refused to provide the public with information regarding the Government's relationship to IRS, calling it a "state commercial secret." Anger over the tolls, especially among residents who live along the route and must pay to travel very short stretches to and from work, led to several protests during the year (see section 2. b.)

Corruption in the Education Ministry was systemic. Prospective students were required to pay as much as TJS 66,674 (\$15,000) in bribes to enter the country's most prestigious universities, while even provincial colleges required several hundred dollars. Students often paid additional bribes to receive good grades on exams. After the IITC fired an associate of Education Minister Abdujabbor Rahmonov for corruption in 2009, the ministry took legal actions to revoke the institute's academic license (see section 2. a.).

Many traffic police retained fines they collected for violations. Traffic police posted at regular intervals along roads arbitrarily pulled over drivers to ask for bribes. The problem was systemic, in part due to the low official wages paid to traffic police. According to reports, many traffic police must pay for their jobs, a down payment they try to recoup by extracting bribes from motorists.

The MOI and Prosecutor General's Office are responsible for investigating, arresting, and prosecuting corrupt officials. The Government acknowledged a problem with corruption and took some steps to combat it, including putting lower-level officials on trial for taking bribes. The Government did not charge high-level officials with corruption.

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. Public officials were not subject to financial disclosure laws. According to the anticorruption agency, the Government identified 510 cases of corruption by government officials. The Government dismissed 77 officials for misconduct.

In April the head of the state anticorruption agency reported that the Deputy Commander of the Border Guards, Saymuddin Mirzoyev, was detained on suspicion of accepting a TJS 66,674 (\$15,000) bribe from drug traffickers.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament had oversight over the state budget, in practice it passed annual budgets almost without comment despite large, unexplained, and undefined expenses. In May the Government released a report on budget performance for the previous year; the report contained numerous details about education, health, and other social sector spending. Since then, however, no further reports have emerged. A considerable amount of government spending appeared to occur off-budget, including major buildings, parks, and other special projects such as summer residences for the president.

TALCO, the state-owned aluminum smelter that consumed as much as 50 percent of the country's energy resources and produced the country's major export, agreed to a financial audit in 2008, to be published on its Web site by the end of 2009. To date only the company's financial statements, not the full audit, have been posted. TALCO's offshore management company, which is reportedly owned by senior politicians, agreed to undergo its own audit, but the results were not released at year's end. Promised audits of country's electricity-grid operator, Barqi Tojik, revealed very little about a state-owned enterprise widely suspected to be employing questionable financial practices.

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

As in previous years, domestic and international human rights groups usually were able to monitor and report on the general human rights situation in the country. NGOs and journalists were careful, however, to avoid public criticism of the president or other high-ranking officials.

The Office of the Human Rights Ombudsman made efforts to respond to civil complaints during the year, but its limited staff and budget constrained its capacity to do so. The Ombudsman's Office met with NGOs to discuss specific human rights cases and general human rights issues in the country. The office lacked full independence; the ombudsman publicly defended some government policies that violated human rights, such as the actions by officials to force citizens to contribute money to the Roghun campaign.

The Government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the United Nations, OSCE, and other international organizations.

The Government continued to deny ICRC access to prison facilities. The Government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness. The parliamentary committee on legislation and human rights examined proposed legislation for compliance with human rights obligations, but, according to observers, it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

Section 6. 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, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Women.—The law prohibits rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape. According to official data from the Ministry of Interior, 78 cases of rape were registered during the year. The Prosecutor General's Office was unable to provide statistics on the number of convictions. Law enforcement officials usually advise women not to file charges, but register cases on insistence of the victim. Most observers believed the majority of cases were unreported because victims wish to avoid being stigmatized.

Violence against women, including spousal abuse, remained a widespread problem. The 2009 Amnesty International (AI) report *Violence is Not Just a Family Affair: Women Face Abuse in Tajikistan* stated, "surveys have shown that between a third and a half of Tajik women have suffered violence from a family member. 42.5 percent of women reported cases of spousal rape."

On August 19, in Dushanbe the Government, with OSCE financial support, opened the first police station fully equipped to work with domestic violence victims. The station was one of the five nationwide staffed with police officers who have been

trained, also with OSCE support, to respond to family violence cases and to address the needs of victims in a gender-sensitive manner.

There was one comprehensive shelter for domestic violence in the country, supported by the OSCE and operated by an NGO in Khujand. The Government and NGOs operated additional crisis centers and hotlines for women in rural areas, where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises for three of the shelters. The Committee for Women's Affairs (within the Office of the President) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

In November the Dushanbe mayor opened the Dushanbe Center of Women's Self-Awareness. The center provides legal and psychological support to vulnerable women and is fully supported by the Dushanbe city administration.

There is no comprehensive law against domestic violence. The Government took some steps to conduct public information campaigns and collect information on domestic violence, but most cases of domestic abuse went unreported. Authorities seldom investigated reported cases, and few alleged perpetrators were prosecuted. By law police cannot act without a written complaint from the victim, even if there were other witnesses, and police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

In some rural areas, officials observed a continued trend of female suicide; domestic abuse by in-laws or labor migration may have been contributing causes. According to the AI report, studies have shown that domestic violence was the most frequent reason cited by women for attempted suicide.

The Government did not interfere with the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the Population Reference Bureau (PRB), 14 percent of women between the ages of 15 and 49 used modern forms of contraception and 83 percent of births were attended by skilled personnel. The PRB also reported that 77 percent of women received postpartum care and that the maternal mortality rate was approximately 625 per 100,000 births.

Women were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education issues and popular sentiment against the use of condoms, especially within relationships. Women remained a minority of HIV infections overall, but the figures were on the rise. According to the Government's AIDS center, 1,004 new cases of HIV infection were detected in the country during the year, including 797 men and 207 women. Women made up 20.6 percent of these newly registered HIV cases, an increase from 14.8 percent in 2005. The total number of officially registered HIV cases in the country is 2,857 individuals, including 2,280 men and 577 women.

The law protects women's rights in marriage and family matters, but some female minors were pressured to marry against their will. NGOs estimated as many as 10 percent of Tajik men practice polygamy, although the practice is illegal. Women in polygamous marriages often were married in religious ceremonies, but not registered with the Government. Husbands who simply repeated a phrase in front of two witnesses could easily divorce unregistered wives. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons.

The 2004 Council of Ulema fatwa (religious edict) prohibiting women from praying in mosques remained in effect. The Government supported the fatwa and directed the IRPT to close an unregistered place of worship that allowed women to pray despite the fatwa.

Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of power was less than 30 percent. The country had no female ministers or ambassadors. AI also noted gender segregation in employment, "with the vast majority of the working female population (86 percent) working in the low-paid sectors, such as agriculture (75 percent), public health services, and education: Wages in these branches are approximately four to seven times lower than in other spheres (as in industry, construction, transportation, and communication). Furthermore, a significant number of women of employable age are engaged in housekeeping or in the informal sector of the economy." The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women. There was no specific statute banning sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

Children.—Citizenship is derived both by birth within the country's territory and from one's parents. The Government is required to register all births. Many parents do not register births until a child is ready to enter school, since birth registration is required to receive public services.

Free and universal public education is compulsory until the age of 16 or completion of the ninth grade. The UN Children's Fund (UNICEF) indicated that school attendance was generally good through the primary grades, but girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. Underage marriage was widespread in some rural areas, and many parents directed their daughters to quit school after the ninth grade. In July President Rahmon raised the legal age of marriage to 18 years old in an effort to lower the number of child marriages.

The Committee on Women and Family Affairs and regional Child Rights Protection Departments were responsible for addressing issues of violence against children. Girls who have been subject to all kinds of violence could receive support from several centers throughout the country. The Women of Science of Tajikistan Association, supported by UNICEF and the Dushanbe mayor's office, organized a hotline for free legal and psychological consultations for girls who were victims of violence.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities.

The Government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures were charged with protecting the rights of persons with disabilities.

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law required government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the Government did not enforce these provisions. To attend school, children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not "medically fit." 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Gay and lesbian relationships have been legal in the country since 1998, and the age of consent is the same as for heterosexual relationships. Throughout the country, there was significant societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and there was little to no public activism on their behalf. There were no known acts of violence against members of LGBT communities, and there were no documented cases of government discrimination against LGBT persons.

Other Societal Violence or Discrimination.—There was societal discrimination against individuals with HIV/AIDS. The Government offered HIV testing free of charge at 140 facilities, and partner notification was mandatory and anonymous. The World Health Organization noted officials systematically offered HIV testing to prisoners, military recruits, street children, refugees, and persons seeking visas, residence, or citizenship.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions, and they did so in practice. 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 state-endorsed 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. The law does not specifically prohibit antiunion discrimination, but there were no reports that it occurred during the year.

Citizens were reluctant to strike due to fear 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,” but the law does not define those cases. The Law on Meetings did not restrict the right to strike, but it requires that meetings and other mass actions have prior official authorization, limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but workers did not exercise this right in practice. Ninety percent of workers were covered by collective bargaining contracts.

There are four Special Economic Zones—Khujand, Panj, Ishkoshim, and Dangara—which are granted special trade privileges and exceptions from taxation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children, except in cases defined in the law, and this year it appeared that that law was enforced. Since the Soviet-era, local officials compelled state workers, particularly in the Khatlon and Sughd regions, to pick cotton during the annual cotton harvest. Independent reports indicate that these practices were not used during the year. For the first time, children remained in school, and adults were not given quotas of cotton to harvest.

Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a problem, but the Government made significant efforts to effectively enforce child labor laws by working with the International Organization for Migration to prevent the use of forced child labor in the autumn cotton harvest. The highest incidences of child labor were in the domestic and agricultural sectors.

The minimum age for children to work is 16 years old, although children may work at the age of 15 with local trade union permission. By law children younger than 18 years old may work no more than six hours a day and 36 hours per week. Children as young as seven years old may participate in household labor and agricultural work, which were separately classified as family assistance. Many children younger than 10 years old worked in bazaars or sold goods on the street.

The Inter-Ministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The Government accredited NGOs working through the International Organization for Migration (IOM) to monitor the cotton harvest. These NGOs, with the cooperation of the Government, conducted monitoring visits to cotton fields and schools. Government officials accompanying IOM representatives met with local officials to reiterate the existing law’s prohibition against forced child labor. Site visits by Western diplomats confirmed monitors’ observations that government efforts resulted in a significant reduction in the use of forced child labor. The Government also distributed a second draft National Action Plan on Trafficking in Persons, including benchmarks and strategies for combating child labor for NGO and diplomatic community comment.

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. Unions also are responsible for reporting any violations in the employment of minors. Citizens can bring unresolved cases between unions and employers before the prosecutor general for investigation. Few violations were reported, because most children worked under the family assistance exception.

e. Acceptable Conditions of Work.—The estimated average monthly wage was TJS 322 (approximately \$73), but in many sectors the average wages were far lower. In the agricultural sector, for example, the average wage was estimated at TJS108 (\$24.50). The Government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of TJS 60 (\$17) per month. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local markets.

The law provides for a standard workweek of 40 hours for adults older than 18 years old. 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 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 fully comply 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 in practice few workers removed themselves.

Farmers and agricultural workers, accounting for approximately 50 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 failure 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 Turkmenistan to be a secular democracy and a presidential republic, it is an authoritarian state of approximately five million. The Democratic Party is the country's only political party. The president, Gurbanguly Berdimuhamedov, was elected in a 2007 presidential election that did not meet international standards. December 2008 parliamentary elections also fell short of international standards. Security forces reported to civilian authorities.

Human rights problems included citizens' inability to change their government; reports of torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; 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 religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and restrictions on free association of workers.

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; however, security officials trying to extract confessions from detainees tortured, beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the Government. According to survey findings included in a report issued in February by Turkmenistan's Independent Lawyers Association (TILA) and the Turkmen Initiative for Human Rights, "... among suspects placed in the temporary holding facility, every second person was exposed to varying types of abusive treatment and torture." The report also stated that the "... beating and rape of inmates by the (penal) colony staff [and] the use of torture and psychological pressure are rampant. Such treatment of inmates results in frequent suicide attempts among the prison population. This reason was accountable for the death of eight female convicts in the years of 2008-09."

On October 27, the United Nations Human Rights Committee concluded that the conditions of Omar Faruk Bozbey's confinement in 2004, after the Ashgabat District Court illegally convicted him of economic crimes, constituted "a violation of his right to be treated with humanity and with respect for the inherent dignity of the human person."

A 2008 decision of 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 to prevent torture.

In contrast with previous years, there were no reports during the year that authorities detained persons in psychiatric hospitals as punishment. In February Neweurasia.net reported on the experiences of former psychiatric hospital inmate Kakabay Tedzhenov, held for 10 months in 2006. He stated that during his detention, he was subjected to punitive psychiatry including the misuse of psychoactive drugs, isolation, prolonged detention, and physical abuse.

Article 16 of the 2009 Law on the Status and Social Protection of a Military Serviceman states that the Government provides for the health and lives of servicemen. Members of the military reported, however, that hazing of conscripts occurred widely and involved violations of human dignity and morale including brutality, verbal abuse, and rape. These incidents often resulted in physical injury and psychological damage to conscripts. The hazing reportedly was often based on ethnic, geographic, or tribal affiliation, and soldiers from minority tribes reportedly were hazed more than others, as were conscripts from Lebap and Dashoguz provinces.

In 2009 a source from the Ashgabat Central Directorate for Military Health reported that military death statistics and suicides were significantly higher in 2008 as compared with other years, despite a reduction in the length of compulsory service for conscripts. Reportedly, the majority of these deaths were related to military hazing. Officers usually concealed hazing incidents. A military source reported that officers at a unit in Ashgabat hid the suicide note of a conscript who hanged himself because it revealed he had been beaten and raped during hazing.

On September 23, Eurasianet reported that there was a "... case of apparent hazing in the Turkmen army at the Officers' Club in Ashgabat that reportedly led to the suicide of a young soldier."

Prison and Detention Center Conditions.—Prison conditions were unsanitary, overcrowded, and unsafe. Some facilities, such as the minimum security camp LBK-12, are located in areas that result in inmates experiencing extremely harsh climate conditions, with excessive heat in the summers and frigid temperatures in the winter. There were reports of physical abuse of prisoners by both prison officials and by other prisoners. According to a report issued in February by TILA and the Turkmen Initiative for Human Rights, the total imprisonment capacity in the colonies and prisons (excluding the military penal battalion) was 8,100 inmates. According to the TILA report, prior to the amnesty act announced in December 2009, the inmate population in prisons and colonies in Turkmenistan totaled 26,720 persons. This inmate population figure did not include detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational therapy rehabilitation centers, and the penal battalion. The detainees in pretrial detention facilities were predominantly individuals who had already received a court verdict but who had not been transferred to colonies. In the six pretrial detention facilities designed for a total of 1,120 persons, it was estimated that three to four times more inmates were being accommodated.

The TILA report also noted that guards and other prisoners engaged in widespread violence against inmates. According to the February TILA report, in the LBK-12 facility, a minimum security regime colony, "physical abuse is used against inmates by the colony personnel and other individuals with the consent and often following the instructions of the colony's administration." The report also noted that there were several inmate groups organized on a "tribal principle" and that "real fights with knives and knuckles occur between the groups, which result in a high death toll among the prison population. In 2008 over 30 inmates died in such fights."

Diseases, particularly tuberculosis (TB), were widespread. Due to overcrowding, inmates diagnosed with TB and skin diseases reportedly were held with healthy detainees, contributing to the spread of disease. 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 reported that it screened prisoners for TB and other diseases. The Government reported that it transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment and arranged for continuing treatment for released prisoners at their residences.

The nutritional value of prison food was poor, and the majority of prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food supplies. Some family members and inmates stated that prison officials sometimes confiscated these food parcels.

In past years sources familiar with prison conditions at Owadan Depe Prison reported that former high-level officials were denied proper medical treatment and suffered beatings and verbal intimidation to coerce confessions.

Radio Free Europe/Radio Liberty (RFE/RL) reported in July that Muslim cleric Shiri Geldimuradov died in Tejen prison under unexplained circumstances. The date of Geldimuradov's death was not known.

Authorities typically incarcerated men and women in separate facilities. The total number of prisoners and detainees was not available, but according to the TILA report there were 2,010 female prisoners held at the DZK/8 facility in Dashoguz, including 215 girls. Juveniles routinely were housed with the adult population. Complete data on the average time or numbers of incarcerated juveniles were not avail-

able, since pretrial detention data were not systematically collected or centralized. There was a pretrial detention facility under the jurisdiction of the Interior Ministry that housed adults and juveniles, accommodating approximately 800 persons; these included individuals either on remand or already convicted but not yet transferred to colonies.

According to relatives, prisoners convicted of treason were unable to receive supplies, and family members often were denied access to the prisoners. The Government did not report whether prisoners were permitted religious observance. There was a complaint submitted to government authorities on behalf of prisoners who were denied family visits and food parcels and had been wrongfully placed in isolation cells. Following the complaint, conditions improved and the Government began allowing family visits. The Government reported no systematic monitoring of prison and detention center conditions.

Government officials disregarded inquiries from family members and foreign diplomats about political prisoners' locations or condition. Government officials continued to refuse 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 on then President Niyazov. The Government and the ICRC have been unable to agree on acceptable conditions for prison visits. As a result, the ICRC did not conduct any prison visits during the year. Prisoners' family members reported that the Government also held political prisoners in facilities near Turkmenbashi and in Mary Province.

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 plays a role in personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. According to reports by Amnesty International (AI) and Human Rights Watch, Farid Tukhbatullin, a Vienna-based expatriate human rights activist, received credible warnings that he was the target of a plot against his life by agents of the Ministry of National Security. The Government did not initiate a public investigation of these charges.

The presidential commission designated to review citizens' complaints of abuse by law enforcement agencies, created in 2007, did not conduct any known inquiries that resulted in members of the security forces being held accountable for any abuses.

Arrest Procedures and Treatment While in Detention.—A warrant is not required for arrest when officials catch a suspect in the act of committing an offense. The prosecutor general issues an authorization for arrest within 72 hours of detention. If, within 10 days of detention, investigating authorities do not find proof of guilt, they must release the detainee. If officials identify evidence of guilt, the investigation can last as long as two months. A provincial or national-level prosecutor may extend the investigation period to six months. The national prosecutor general or deputy prosecutor general may extend the investigation period to a maximum of one year. Following the investigation, the prosecutor prepares a bill of indictment and the case is transferred to the court. These procedures generally were respected in practice, and the prosecutor promptly informed detainees of the charges against them.

The criminal procedure code (CPC) provides for a bail system and surety; however, these provisions were not implemented. The law provides that detainees are entitled to immediate access to an attorney of their choice after a formal accusation, but in practice detainees did not have prompt or regular access to legal counsel. 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. The scope of these problems in the criminal justice system was unclear. Authorities legally had to issue a formal 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 treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were, however, no known treason convictions during the year. In the past the Government arrested and filed charges against those expressing critical or differing views on economic or criminal charges.

Pretrial detention legally may last no longer than two months, but in exceptional cases it can be extended to one year if an investigator made such a request to the prosecutor general. For minor crimes a much shorter investigation period applies.

In contrast with previous years, authorities rarely exceeded legal limits for pretrial detention. In the past chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays; however, the Government's anticorruption efforts and the establishment of the Academy of State Service to improve state employees' qualifications generally eliminated such delays.

Although in past years the Government detained regime opponents under house arrest without due process, no provision in the CPC authorizes such punishment. The law provides for internal exile, requiring an individual to reside in a certain area for a fixed term of two to five years.

There were regular reports of persons being cited for violations such as possessing religious literature or driving a dirty car. Others were ordered to do something, such as removing an air conditioner from the exterior of a building or vacating a premises for demolition, for which government officials were not able to provide the legal basis for their action. At times these cases resulted in fines or violations of person's rights.

Amnesty.—The Government pardoned an unannounced number of prisoners on May 6 in honor of Victory Day in World War II and on May 28 in honor of International Children's Protection Day. On September 3, the Government pardoned 3,999 prisoners in advance of the Night of Omnipotence holiday. On December 10, the president signed a decree granting amnesty to approximately 2,000 prisoners in connection with the Neutrality Day holiday. The Government did not release any prisoners of international concern or prisoners associated with the 2002 attack on the former president's motorcade.

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 any judge. The judiciary was widely reputed to be both corrupt and inefficient.

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 the public to attend most trials but closed some trials, especially those it considered politically sensitive. There were few independent lawyers available to represent defendants. The CPC provides that defendants be present at their trials and consult with their attorneys in a timely manner. The law sets no restrictions on a defendant's access to an attorney. If a defendant cannot afford to pay for attorney's services, an attorney is provided at public expense. The court at times did not allow defendants to confront or question a witness against them and denied the defendants and their attorney 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.

On October 21, a court sentenced Pastor Ilmurad Nurliev to four years in prison after being convicted on charges of swindling. The trial did not meet international standards. According to a report by Turkmen Initiative for Human Rights, the trial lasted only two hours and the presiding judge excluded 12 defense witnesses. The state originally assigned an attorney to Nurliev, and his personal attorney did not gain access to the evidence against him until five days before the trial commenced. The court excluded international observers from the proceedings, which were conducted in Turkmen. Nurliev speaks Russian and reportedly did not understand much of the trial.

Even when the courts observed due process, 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 frequently were flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal a lower court's decision and petition the president for clemency. There were credible reports that judges and prosecutors often predetermined the outcome of the trial and sentence.

Political Prisoners and Detainees.—The Government provided no further information about the case of former civil activist and former political prisoner Gulgeldy Annaniyazov, whom authorities arrested in June 2008 after he reentered the country and was sentenced in a closed court trial the next month to 11 years in prison. Annaniyazov received asylum in Norway in 2002 after serving five years in a Turkmenbashi prison for his role in a 1995 political demonstration.

On November 4, the United Nations Working Group on Arbitrary Detention publicly released its opinion that the arrest and continued detention of Annakurban Amanklichev and Sapardurdy Hajiyeve violated international law and that they should be released immediately. The Government provided no credible information updating the cases of journalists Amanklichev and Hajiyeve, who presumably remained in jail. In 2006 authorities charged them and journalist Ogulsapar Myradova with weapons possession after they received journalism equipment from foreign sources. In 2006 Myradova died in police custody under suspicious circumstances.

Opposition groups and some international organizations stated the Government held other political prisoners and detainees, although the precise number of these individuals—who included persons convicted of involvement in the 2002 attack on former President Niyazov—remained unknown. Among those individuals from 2002 was a former ambassador to the Organization for Security and Cooperation in Europe (OSCE), Batyr Berdiev, whose whereabouts and fate continued to be unknown.

Civil Judicial Procedures and Remedies.—The civil judiciary system was neither independent nor impartial; the president appointed all judges. According to the law, evidence gathered during a criminal investigation can be used as the basis for a civil action in a process called “civil lawsuit in criminal justice.” In the past there were reports of bribes in the civil court system to ensure a particular outcome. In cases in which the state had interests regarding an individual citizen, it imposed 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 2007 President Berdimuhamedov announced there would be no housing demolition unless replacement housing was available. Nonetheless, during the year the Government continued to demolish some private homes in and around Ashgabat as part of an urban renewal program without adequately compensating the owners.

As in previous years, there were reports that the Government gave persons as few as 72 hours to vacate their homes and did not provide homeowners with alternative accommodations or compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of 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 letters and parcels taken to the post office had to remain unsealed for government inspection.

A regulation stating that a noncitizen may marry a citizen only after residing in the country for one year places a restriction on right of men and women of full age to marry.

Individuals who were harassed, detained, or arrested by authorities, and their family members reported that the Government caused family members to be fired from their jobs or expelled from school and that authorities sometimes detained and interrogated the family members.

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. The Government warned critics against speaking with visiting journalists or other foreigners about human rights problems. There were reports that law enforcement officials harassed and detained Turkmen journalists who worked for foreign media outlets.

The Government financed and controlled almost all print media. The Government imposed significant restrictions on the importation of foreign newspapers except for the private but government-sanctioned Turkish newspaper *Zaman*, which reflected the views of the state newspapers.

The Government controlled radio and local television, but satellite dishes providing access to foreign television programming were widespread throughout the country. Citizens also received international radio programs through satellite access.

On December 15, authorities suspended the operation of the privately owned and Moscow-based service provider Mobile TeleSystems (MTS), leaving approximately 2.5 million persons—half of the country’s population and 80 percent of the mobile-

phone users—without use of their mobile phones or access to the Internet, impairing the ability of citizens to send or receive information.

During the year government agents reportedly detained, harassed, and intimidated journalists and their families. According to Reporters Without Borders, journalists often were “summoned for questioning, threatened with prosecution, and fired from their jobs, while their relatives are also exposed to the possibility of reprisals.” In particular, journalists working for RFE/RL reported frequent surveillance and harassment by government authorities.

During the year there were several reports that the Government used restrictions on travel abroad to punish independent journalists and individuals who openly criticized the Government. The Government also restricted the travel of journalists’ family members. Throughout the year the Government continued to monitor the activities of RFE/RL reporter Halmyrat Gylychurdyev.

Both Reporters Without Borders and RFE/RL reported that Prague-based RFE/RL broadcaster Allamurad Rakhimov, a Turkmen native, was denied entry into the country on May 19 and put on a flight returning to Prague without explanation, although he had a valid visa.

RFE/RL reporter Osman Halliyev remained under constant surveillance, and family members remained unable to find employment or travel outside the country.

As in previous years, the Government required state journalists to obtain permission to cover specific events as well as to publish or broadcast 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 and prohibit reporting of opposition political views or of any criticism of the president.

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. The Government censored works on topics that were out of favor with the Government, including some works of fiction.

The Government continued its ban on subscriptions to foreign periodicals by non-governmental entities, although copies of the Russian newspaper *Argumenti i Fakti* and other nonpolitical periodicals appeared occasionally in the bazaars.

There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no assured provision for receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The Government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international conferences and summit meetings, where their activities could be monitored. On July 13, RFE/RL stated on its Web site that Turkmenistan is among the countries where journalists “are routinely denied accreditation, and yet unaccredited journalists face harassment, detention, and threats.” Despite submitting official applications repeatedly over several years, RFE/RL has never received a response from the Turkmen government to accredit correspondents there.

At least seven journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least five of whom reportedly were accredited. As many as 11 correspondents representing foreign media services operated without accreditation. Visiting foreign journalists reported harassment and denial of their freedom of movement when they attempted to report outside official channels. Additionally the Government severely restricted the issuance of visas to visiting journalists.

Internet Freedom.—During the year Internet access for the general population increased to approximately 80,000 users, according to the International Telecommunication Union. Government-owned Turkmentelecom remained the main provider to the general population, but government agents monitored and filtered its service.

The Government continued to monitor citizens’ e-mail and Internet activity, and reports indicated that the Ministry of National Security controlled the main access gateway, monitored users’ browsing, and blocked access to certain sensitive Web sites, cutting service in certain cases. The Russian cellular company MTS reportedly provided unfettered mobile Internet service to its customers; however, the price was prohibitively high for most citizens. According to a report by Reporters Without Borders, officials monitored citizen’s personal e-mail accounts to identify potential dissidents, rather than blocking them.

Academic Freedom and Cultural Events.—The Government did not recognize academic degrees received abroad, except those obtained abroad through government-approved education programs. Officials allowed only government-selected students to participate in government-approved exchange programs. The Ministry of Education (MOE) did not recognize degrees from nonstate institutions of higher education in former Soviet Union countries. The MOE closely scrutinized exchanges at the university level, and by law the Council of Ministers must approve all programs.

The MOE took no action on the president's 2007 request that the ministry facilitate recognition of foreign degrees, apart from the earlier established process of validation, based on passing *Ruhnama*, History of Turkmenistan, and specialized exams in Turkmen. The validation process was available only for degrees from state higher educational institutions that offered a full-time enrollment program.

During the year the Government continued some restrictions on student travel. On September 24, Forum 18 stated that Muslims who want to serve as clerics were not allowed to travel abroad for religious education. In 2009 government restrictions on freedom of movement blocked more than 150 students from departing to study at the American University of Central Asia in Bishkek. Eventually, after several months delay, officials allowed the students to leave the country, but not to return to the American University of Central Asia.

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, and theology.

Officials from the MOE and provincial authorities sought to prevent students who were not ethnic Turkmen from entering exchange programs.

The school curriculum continued to include works by Niyazov, such as the *Ruhnama*, and students were required to pass examinations on them for advancement, graduation, or admission to higher educational institutions. Teachers reported, however, that the administration required them to spend substantially less class time studying Niyazov's works than in the past and instead intensified study of books and speeches by President Berdimuhamedov. *Ruhnama* studies as a separate course was still required for primary school students. The newspaper *Mugallymlar gazeti* (Teachers' Newspaper) published the new government-provided curriculum for schools.

Most secondary school textbooks have been revised to remove all text devoted to Niyazov and his family; however, a picture of Niyazov continued to appear on the first page of each textbook. Text devoted to President Berdimuhamedov's "New Revival" ideology replaced the previous text on Niyazov and his family. Despite a 2008 MOE report stating that all textbooks had been completely revised, only approximately one-half of them had been revised at year's end.

The Government continued to require teachers and students to participate in state-sponsored extracurricular events, and it allocated approximately 70 to 80 academic days per year to compulsory participation in festivals and greetings for high-level visitors, significantly reducing instruction time. This previously informal practice was formalized at secondary schools by requiring teachers to sign an agreement accepting salary cuts for not participating in these government events. Participating students were given the equivalent of an "A" for the day, which provided further incentive to attend the event rather than to be in the classroom.

A government committee created in 2009 approved all cultural products produced in the country for the general public, including books, movies, theatrical plays, art, and any other cultural program.

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. Only the Russian theater in Ashgabat continued to stage foreign plays in Russian, and those plays were invariably apolitical.

The Ministry of Culture censored and monitored all public exhibitions, including music, art, and cultural events.

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 public meetings and demonstrations during the year nor allowed 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 nongovernmental organizations (NGOs) to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the MOJ and the Ministry of Economics and Development and coordinated through the Ministry of Foreign Af-

fairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property. In December the Government registered a public association called the Society of Guitarists, the first nongovernmental association to be registered since 2008.

Of the 90 registered NGOs, international organizations recognized only eight as being independent. NGOs reported that the Government presented a number of administrative obstacles to NGOs that attempted to register. Some applications were repeatedly returned on technical grounds. Some organizations awaiting registration found alternate ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others temporarily suspended or limited their activities.

Sources noted a number of barriers to the formation and functioning of civil society in the country, including government requirements that founders of associations be citizens and that associations operating nationally have at least 500 members to be registered. Other barriers included regulations that permitted the MOJ to send representatives to association events and meetings, and requirements that associations must notify the Government about their planned activities.

There were no independent political groups (see section 3). The only registered political party was the ruling Democratic Party, the former Communist Party of Turkmenistan. The Government did not officially prohibit membership in political organizations; however, in practice there were no reports of persons who claimed membership in political organizations other than the Democratic Party. According to the Jamestown Foundation, the Government did not permit opposition movements outside the country, including the National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, and the Fatherland (Watan) Party, to operate within the country.

There were no reports during the year that government authorities harassed recipients of foreign grants.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. The law requires 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 refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The border permit requirement remained in effect for all foreigners.

Citizens are not allowed to hold dual citizenship, and this requirement was enforced sporadically. Officials pressured dual citizens departing the country to renounce one of their citizenships before officials allowed them to leave. Individuals who indicated dual citizenship when applying for new-style international passports were denied new-style passports, whereas persons reporting only Turkmen citizenship received them.

The Government denied it maintained a list of persons not permitted to depart the country; however, it continued to bar certain citizens from departing. On August 16, AI issued a statement expressing concern about reports of a presidential decree that prohibits the exit and entry to the country of thousands of individuals. According to AI's source, the decree explicitly bars 37,057 individuals from leaving the country and forbids entry to international human rights organizations, as well as more than 8,000 named individuals of various nationalities. According to AI's source, 73 foreign journalists also were banned from entering the country.

A 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. The education law allows the Government to impose limitations on obtaining education in specific professions and specialties, which has been applied to prevent students from travelling abroad to study.

Citizens were able to inquire at the State Migration Service about their travel status; however, those who inquired rarely received information.

On June 28, husband-and-wife journalists Annamamed Myatyiev and Elena Myatyieva were forbidden from travelling abroad when they tried to board a flight to the Netherlands at Ashgabat international airport. They were given no clear reason for the ban. Officials allowed them to depart on July 10.

Protection of Refugees.—In 2009 the Government assumed responsibility from the UNHCR for making refugee status determinations. While formally there is a system for granting refugee status, in practice it is inactive due to a lack of cases. There

have been no reports of asylum seekers since 2005. The Government has not developed support services for individuals awaiting a refugee status determination. Prior to January 2009, the UNHCR issued a refugee paper that was the only official evidence of a refugee's legal status. There were 60 UNHCR-mandate refugees in the country. The UNHCR provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR has observer status at government-run refugee determination hearings. Individuals not determined to be refugees by the Government would have recourse to the UNHCR to obtain mandate refugee status. There was no information indicating that whether or not the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugees had access to basic services such as health care and primary and secondary education; however, they were not eligible for government employment and did not have the right to own property or a company.

Stateless Persons—The State Migration Service has registered approximately 12,000 adult persons who have problems with determining their nationality. The UNHCR considered these individuals as effectively stateless or at risk of becoming stateless. They were largely undocumented residents who held Soviet Union passports when the Soviet Union dissolved and who did not have a state affiliation selected when those passports expired in 1999. The Government may have administratively processed some of these residents and issued them residency permits while considerations of state affiliation continued. To obtain citizenship, a person needs to verify that he is not a citizen of another country, a process that can be extremely difficult to accomplish. Turkmen citizenship has not been granted to any individuals since 2005.

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

Citizens could not freely choose and change the laws and officials that governed them. The constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for 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.

According to the OSCE, the election law does not meet OSCE standards.

In a February letter commenting on the European Bank for Reconstruction and Development's 2010 Country Strategy Review, the Open Society Institute stated that "activists who have tried to register as independent candidates have found themselves under pressure from the Ministry of National Security. As an example, Abdurakhman Rakhmanov, who formed and headed the Ilkindjiler civic group—rather than joining the officially approved Galkynysh national organization—tried to nominate himself as a deputy to the parliament, only to be arrested on charges of tax evasion before the election and sentenced to up to 15 years in prison. In this context it should be noted that, while the Turkmen government hailed the December 2008 parliamentary elections as an example of the country's pluralism, this poll was contested only by 288 government-approved candidates from the president's party. Furthermore, only one candidate was of non-Turkmen ethnicity."

Elections and Political Participation.—District people's council elections took place in December. Local council ("gengesh") elections were held in July 2009 in rural areas under a law that had been revised in April to bring electoral procedures into line with the 2008 constitution and electoral law. The 2008 constitution gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty (Peoples' Council) as a political body.

There were 21 women in the 125-member parliament, including the Mejlis speaker, who was reelected in 2008. Women served in a few prominent government positions: deputy chairman of the Cabinet of Ministers for Culture and Television (a vice premier position), minister of education, minister of textile industry, director of the State Archives, director of the Institute for Democracy and Human Rights, the chairpersons of two of five parliamentary committees, and the chairperson of the state publishing service.

The Government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several senior government positions. Members of the country's largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Section 4. Official Corruption and Government 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. Corruption existed in the security forces. 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.

The president reprimanded a number of ministers and government officials, dismissing some from their positions; others were investigated and arrested for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated.

On November 6, the New York Times reported that six oil and gas service companies and a prominent freight-forwarding company agreed to pay criminal and civil penalties for bribery. Most of the bribes were paid to circumvent local rules and regulations in a number of countries, including Turkmenistan.

Financial disclosure requirements are neither transparent nor consistent with international norms. Government enterprises are not required to publicize financial statements, even to foreign partners. Financial audits are often conducted by local auditors, not internationally recognized firms.

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 officials published manipulated economic and financial data to justify state policies and expenditures.

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

There were no domestic human rights NGOs due to the Government's refusal to register such organizations and to government restrictions that made activity by unregistered organizations illegal. During the year the Government continued to monitor the activities of nonpolitical social and cultural organizations.

There was no international human rights NGO 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, understand, and fully evaluate the Government's human rights policies and practices.

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. The Government allowed unfettered access to the OSCE Center, which was not the case prior to October 2007. There were no reports that citizens were discouraged from contacting other international organizations.

On April 16, World Alliance for Citizen Participation (CIVICUS) reported that the Government initiated a wave of interrogations against activists and health care practitioners who were suspected of contributing to an April *Medicins Sans Frontieres* report that criticized the Government's health care system and policies.

During the year, the Government did not implement any of the recommendations made in January 2009 by the UN special rapporteur on freedom of religion or belief.

On April 2, the UN secretary general met with the president, the Cabinet of Ministers, and the head of the national Institute for Democracy and Human Rights (IDHR). The UN reported that there were several discussions addressing human rights. The secretary general called on the Government to fulfill all obligations under international human rights law and the treaties to which it is a signatory and urged positive responses to the human rights recommendations put forward by the UN member states during the Universal Periodic Review in 2008.

The Government-run IDHR, established in 1996 with a mandate to support democratization and monitor the protection of human rights, was not an independent body. Its ability to obtain redress for citizens was limited. Nonetheless, it played an unofficial ombudsman's role to resolve some citizen human rights-related petitions during the year. In 2007 the Government established the Human Rights Commission, which reports to the president, to oversee institutional human rights reform. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. No information about their human rights activity for the year was available.

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

Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

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, but some sources indicated rape was not uncommon.

The law prohibits domestic violence, including spousal abuse, but the Government did not enforce the law effectively. Penalties are based on the extent of the injury. According to indicators published by the United Nations Development Program in 2009, Turkmenistan is included in the category of countries in which “there are no or weak laws against domestic violence, rape, and marital rape, and these laws are not generally enforced. Honor killings may occur and are either ignored or generally accepted.”

Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent 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 and several informal groups in other regions assisted victims of domestic violence. A local organization continued to operate a domestic violence hotline with support from the OSCE Center in Ashgabat. The same NGO also provided free legal consultations and psychological assistance to victims of domestic violence and organized awareness-raising seminars on domestic violence for the general public.

There is no law specifically prohibiting sexual harassment, and reports suggested sexual harassment existed in the workforce.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the means to do so free from discrimination, coercion, and violence.

According to the Population Reference Bureau, 99 percent of births were attended by skilled personnel, and 99 percent of women receive at least one postnatal care visit. According to UN interagency estimates, the maternal mortality rate for 2008 was approximately 77 deaths per 100,000 live births and the lifetime risk of maternal death was one in 500. Modern contraceptive methods were available to 99 percent of the public. Statistics on contraceptive use by single women were unavailable, but 53 percent of married women used some form of modern contraceptives. Due to cultural attitudes, almost one-third of married women opposed the use of family-planning methods. A local source that worked for an HIV/AIDS project confirmed that women and men are diagnosed and treated equally for sexually transmitted infections, including HIV.

Women had equal rights under family law and property law and in the judicial system. In 2007 the Mejlis approved and began implementing a new law on women’s rights after consultation with 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 equal to men in all spheres, including wages, loans, starting businesses, and working in government. Nevertheless, in practice, women continued to experience discrimination due to cultural biases. Employers allegedly gave preference to men to avoid productivity losses due to pregnancy or child-care responsibilities. 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, address, or report on discrimination against women. There is no special government office that promotes the legal rights of women, but there is the Women’s Union (a government-affiliated “NGO”) and the National Institute of Democracy and Human Rights that work on women’s legal rights.

Children.—According to the law, a child’s citizenship is derived from one’s parents. In the event a child is born to stateless persons possessing permanent resident status in Turkmenistan, the child is considered a citizen. 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, such as the reinstatement in 2007 of the 10th year of mandatory schooling.

UNICEF reported that 96 percent of urban children and 95 percent of rural children had their births registered.

UNICEF also reported that, during the period 2003-08, the proportion of attendance at primary school was 99 percent for both girls and boys and 84 percent for both girls and boys at the secondary level.

There were isolated reports of child abuse. In 2006 the UN Committee on the Rights of the Child issued recommendations that called on the Government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

According to most recent data provided in a 2006 UNICEF report, 9 percent of marriages involved minors. According to an Interpol report, the criminal code "... enacts criminal liability for involvement of minors into prostitution."

The legal age of consent is 16 years. Production of pornographic materials or objects for the purposes of distribution or advertisement and trade in printings, movies or videos, depictions, or other objects of a pornographic nature alike, including those of children, are punishable in accordance with article 164 of the criminal code.

The country is not party to the 1980 Hague Convention on the civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There were an estimated 300 Jews, predominately in Ashgabat, but no organized Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas; however, in practice persons with disabilities encountered discrimination and were regularly denied work, education, and access to health care and other state services because of strong cultural biases.

The Government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The Government considered persons with disabilities who received subsidies as being "employed" and therefore ineligible to compete for jobs in the Government, which is the country's largest employer.

Some groups of students with disabilities were unable to obtain education because there were no qualified teachers and facilities were not accessible for persons with disabilities. 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 persons with sensory disabilities existed in the larger cities. The Government began construction of boarding schools with rehabilitation centers for persons with disabilities in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by persons with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities. This ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

The Government ratified the UN Convention on the Rights of Persons with Disabilities in 2008 and the Optional Protocol in November.

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, but 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 professional subjects in Turkmen; employees who failed the exam were dismissed. The Government systematically replaced teachers and staff at Turkish schools with ethnic Turkmen. The Government dedicated resources to provide Turkmen language instruction for non-Turkmen speakers only in primary and secondary schools.

Non-Turkmen speakers noted 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 information about ethnicity going back three generations. The Government often targeted non-Turkmen first for dismissal when government layoffs occurred.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality is considered a mental disorder, and gays were sometimes sent to psychiatric institutions for treatment.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against lesbian, gay, bisexual, and transgendered individuals in employment, housing, statelessness, access to education, or health care.

Other Societal Violence or Discrimination.—There was no reported societal violence or discrimination against persons with HIV/AIDS. The Government did not officially recognize any cases of HIV/AIDS in the country.

Section 7. Worker Rights

a. The Right of Association.—The law allows citizens to join independent unions, but in practice all existing trade and professional unions were government-controlled. The Government did not permit private citizens to form independent unions.

The Government permitted the existence of only the umbrella organization Center for Professional Unions (CPU). Led by a presidential appointee, the CPU included 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 own activities. There is no law addressing strikes or retaliation against strikers, and strikes were rare.

b. The Right to Organize and Bargain Collectively.—The law does not protect the right to bargain collectively.

The law does not prohibit antiunion discrimination by employers against union members and organizers. There are no mechanisms for resolving complaints of discrimination.

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. In contrast with previous years, there were no reports of such practices.

A 2005 presidential decree bans child labor, specifying that children are not permitted to participate in the cotton harvest. During the year the Government enforced 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 of age; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 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 330 manat (\$116) did not provide for the basic needs of workers and their families.

The standard legal workweek is 40 hours with weekends off. In practice, government and many private sector employees are required to work 10 hours a day or a sixth day without compensation. Reports indicated that many public sector employees 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 related to the application of defoliants

in preparing cotton fields for mechanical harvesting. Workers did not have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

UZBEKISTAN

Uzbekistan is an authoritarian state with a population of approximately 27.6 million. The constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. Of the 150 members of the lower house of parliament, 135 are elected, and the remaining 15 were reserved for the newly established Ecological Movement of Uzbekistan. Eighty-four of the 100 senators are chosen in limited elections open only to elected members of local councils, and the president appoints the remaining 16. In 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. Parliamentary elections took place in December 2009. While observers reported noticeable procedural improvements in comparison to the 2004 parliamentary elections, the 2009 elections were not considered free and fair due to government restrictions on eligible candidates and government control of media and campaign financing. Security forces reported to civilian authorities.

Human rights problems included citizens' inability to change their government peacefully; tightly controlled electoral processes with limited opportunities for choice; instances of torture and mistreatment of detainees by security forces; incommunicado and prolonged detention; occasional life-threatening prison conditions; arbitrary arrest and detention; denial of due process and fair trial; restrictions on freedom of speech, press, assembly, and association; governmental control of civil society activity; restrictions on religious freedom including harassment and imprisonment of religious minority group members; restrictions on freedom of movement for citizens; violence against women; and government-compelled forced labor in cotton harvesting. Human rights activists and journalists who criticized the Government were subject to physical attack, harassment, arbitrary arrest, and politically motivated prosecution and detention.

Following ethnic violence in Kyrgyzstan in June, Uzbekistan accepted more than 100,000 Kyrgyzstani refugees into its territory and worked closely with the international community to provide food, water, and shelter for those in need.

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 that the Government or its agents committed arbitrary or unlawful killings.

The Government did not authorize an independent international investigation of the alleged killing of numerous unarmed civilians during the violent disturbances in Andijan in 2005, despite ongoing calls by international organizations for the Government to do so. The Government stated after its 2005 investigation that armed individuals initiated violence by firing on government forces. The death toll varied between the Government's report of 187 and eyewitness' reports of several hundred individuals. The Government never held anyone publically accountable for the civilian casualties.

b. Disappearance.—There were no reports of politically motivated disappearances. Unconfirmed reports of disappearances of persons who were present at the violent disturbances in Andijan in 2005 persisted.

There was no update to the 2009 case of an Uzbek man and his son abducted in Kyrgyzstan and reportedly returned there after a lengthy interrogation. In August 2009 masked men kidnapped Mahmud Suyunov and Zokir Hismatullin, according to family members. Later their names appeared on a list of suspects involved in an exchange of gunfire in Tashkent in August 2009 and a bombing in Andijan earlier in the year. Family members have tried unsuccessfully to locate these men in government custody.

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. Sources reported that torture and abuse were

common in prisons, pretrial facilities, and local police and security service precincts. Reported methods of torture included severe beatings, denial of food, sexual abuse, tying and hanging by the hands, and electric shock. Family members of prisoners reported several cases of medical abuse, and one person reportedly remained in forced psychiatric treatment. The Government reported that during the first six months of the year, it opened 226 criminal cases against 285 employees of law enforcement bodies. Of these, 75 persons were accused of charges related to abuse of power, and four were charged with torture or other brutal or degrading treatment. The remaining cases were for unspecified offenses. During the first nine months of the year, the Government dismissed and brought criminal charges against 186 employees of law enforcement bodies for unstated reasons.

The UN Human Rights Committee in its five-year review of the country under the International Covenant on Civil and Political Rights (ICCPR Review) expressed concerns in a March 25 publication that the country's definition of torture in the criminal code is not in conformity with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the country is a party.

In a joint statement submitted for the ICCPR Review, the Human Rights Alliance of Uzbekistan, the Committee for the Liberation of Prisoners of Conscience, and the Uzbek-German Forum for Human Rights stated that torture and abuse by police and investigating authorities remain "systematic, unpunished, and encouraged" by senior government officials. The report noted that judges and prosecutors routinely failed to investigate allegations of torture, and that the country's leadership, including heads of law enforcement agencies, failed to condemn publicly the use of torture.

In February an independent news Web site reported that family members of prisoner Sanjar Narmuradov, serving a 13-year sentence on extremism charges, stated he was tortured and mistreated in a Tashkent Region prison.

In March, 12 of 25 defendants charged with religious extremism reported to a Jizzakh court that they were tortured in pretrial detention facilities. The court ordered an investigation of these claims, but concluded there was no evidence of torture.

On March 29, a Bukhara court convicted Kurban Kadyrov of participation in anticonstitutional activity as a member of a religious extremist group, sentencing him to eight years in prison. The court did not address Kadyrov's complaints that he only signed a confession because he was tortured during interrogation. On April 29, a regional Bukhara court upheld his conviction and sentence on appeal.

In April the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) reported that prisoner Dilshodbek Amanturdiyev complained to family members that during the first four months of the year fellow inmates subjected him to torture instigated by the prison administration. Amanturdiyev reportedly stated that in one incident, he was beaten unconscious.

Also in April an independent news Web site reported that family members of Rustam Usmanov visited him in prison and observed extensive bruises on his body. According to the report, Usmanov told them that prison guards tortured and tried to kill him.

On May 12, Radio Free Europe/Radio Liberty published a letter signed by 121 prisoners from a Kashkadarya prison to a human rights group. The letter alleged that guards routinely raped the prisoners with a club, subjected prisoners to enemas with red pepper solutions, and beat their heels until they bled.

In June the IGIHRDU reported that a group of criminals headed by a prison guard tortured Alijon Halimov for one week during August 2009.

In December 2009 two sisters serving prison sentences alleged that officers raped and mistreated them in prison. One of the sisters subsequently gave birth to a child in prison. The Tashkent City Criminal Court initiated a criminal case and reportedly did DNA testing of several officers, but no formal charges resulted during the year.

Authorities reportedly meted out harsher than typical treatment to individuals suspected of Islamist extremism throughout the year, especially to pretrial detainees who were allegedly members of banned religious extremist political organizations or to the Nur group, which is not officially banned. Local human rights workers reported that authorities often offered payment or other inducements to inmates to beat other inmates suspected of religious extremism.

During the year there were reports of politically motivated medical abuse. Victims could request, through legal counsel, to have an expert medical board review their cases. In practice, however, such bodies generally did not conduct impartial reviews and typically supported the decisions of law enforcement authorities.

Family members of several inmates whom the international community considers political prisoners asserted that officials did not grant prisoners' requests for med-

ical evaluation and treatment. Among these prisoners were Alisher Karamatov, Yusuf Juma, Norboy Kholjigitov, Agzam Turgunov, Habibulla Okpulatov, and journalist Dilmurod Sayid.

There was no update on the case of Jamshid Karimov, a journalist, human rights activist, and nephew of President Karimov, whom officials have forcibly detained at Samarkand Psychiatric Hospital since 2006.

Prison and Detention Center Conditions.—Prison conditions were in some circumstances life threatening. Officials reported that the prison system is filled to only 74 percent of capacity, but reports of overcrowding were common, as were reports of severe abuse and shortages of medicine. Inmates and their families reported that food and water were of poor quality but generally available. There were reports of political prisoners being held in cells without proper ventilation, and prisoners occasionally were subjected to extreme temperatures. Family members of inmates reported incidents of sexual abuse. Family members also reported that officials frequently withheld or delayed delivery of food and medicine intended for prisoners.

Relatives of prisoners reported the deaths of several prisoners serving sentences, most of whom received sentences related to religious extremism. In some cases, family members reported that the body of the prisoner showed signs of beating or other abuse, but authorities pressured the family to bury the body before examination by a medical professional. Reported cases that fit this pattern included those of Nurullo Musaev and Shavkat Alimhojaev. There were no updates to the reported cases in 2009 that fit this pattern, including the deaths of Abdulatif Ayupov, Ismat Hudoyberdiyev, Negmat Zufarov, and Golib Mullajonov.

The IGIHRDU reported that on March 20 prisoner Yiginov Farmon died in prison after being subjected to torture and on March 27, an unnamed Tashkent native died in a Bukhara prison as a result of torture.

On June 17, Sunnatillo Zaripov died in prison, where he had been serving a 15-year term. Relatives reported to the press that he died as a result of torture.

In November family members of inmates housed in the Jaslyk prison reported that several Jaslyk inmates participated in a hunger strike for three to four days after 14 fellow inmates were taken to a separate area in the prison and severely beaten.

There were no updates to the cases of Muhammad Artykov, Nozimjon Mamadaliev, and family members of Nurillo Mazsudov. The family members reportedly died after being tortured in prison in 2008.

According to family members and some NGOs, authorities failed to release prisoners, especially those convicted of religious extremism, at the end of their terms. Prison authorities often extended inmates' terms by accusing them of additional crimes or claiming the prisoners represented a continuing danger to society. For example, on July 15, Habibullo Madmarov, the son of human rights activist Akhmadjan Madmarov, had his prison term extended for getting out of bed to pray before the prison's daily wake up call, in violation of internal prison regulations. Trials for such offenses took place within the prisons, and defendants often were not given access to lawyers or relatives. Although it is technically possible for inmates to appeal such decisions, many inmates did not have the expertise to initiate an appeal.

According to 2009 statistics, the Government held approximately 42,000 inmates at 58 detention facilities. Men, women, and juvenile offenders were held in separate facilities. There were reports that in some facilities inmates convicted of attempting to overturn the constitutional order were held separately, and prison officials did not allow inmates convicted under religious extremism charges to interact with other inmates. Officials also held former law enforcement officers in a separate facility.

Prison officials generally allowed family members to visit prisoners for up to four hours two to four times per month. Officials also permitted visits of one to three days duration, two to four times per year, depending on the type of prison facility. Family members of political prisoners reported that officials frequently delayed or severely shortened visits arbitrarily. The Government stated that prisoners have the right to practice any religion or no religion, but prisoners frequently complained to family members that they were not able to observe religious rituals that conflicted with prison scheduling. Such rituals included engaging in traditional Islamic morning prayers. Prisoners also were not allowed access to religious materials.

According to a 2009 law, authorities at pretrial detention facilities are required to arrange a meeting between a detainee and a representative from the Human Rights Ombudsman's Office upon a detainee's request. Officials allowed detainees in prison facilities to submit confidential complaints to the Ombudsman's Office and to the Prosecutor General's Office, and both offices were authorized to initiate investigations into complaints. In its 2009 report, the Ombudsman's Office reported it re-

ceived 48 prisoner complaints during the year and considered 31 of those cases, representing an increase from the 29 complaints it considered in 2008. The Ombudsman's Office reported it was able to intervene successfully in four of the 29 cases. The Ombudsman's Office is empowered to make recommendations on behalf of prisoners, including requesting changes to sentences to make them more appropriate to nonviolent offenders.

The Ministry of Interior (MOI) performs regular inspections of all prison facilities, and representatives of other state bodies, including the parliament, the National Human Rights Center, and the Cabinet of Ministers also are allowed to access the prison system upon request.

The International Committee of the Red Cross (ICRC) monitors all facilities under the responsibility of the prison administration, assessing the conditions of detention and the treatment of detainees. ICRC does not have access to pretrial detention facilities under the authority of the National Security Service. Between January and September, the ICRC carried out 37 humanitarian visits, visiting 19,906 detainees held in 17 places of detention. During these visits, ICRC representatives monitored the cases of 647 detainees, including 117 women and 67 minors. The ICRC also facilitated the exchange of 283 Red Cross messages between detainees and their relatives. The ICRC kept its findings confidential and shared them only with the Government. The Government also allowed limited independent prison monitoring by a local group in Bukhara.

Prison administration officials reported that the World Health Organization has an active TB program in the prisons both to treat and stop the spread of tuberculosis, and an HIV/AIDS treatment and prevention program has been in place since 2008. Officials reported that hepatitis was not present in high numbers, and hepatitis patients are treated in existing medical facilities and programs.

On May 11 and 12, the prison administration in conjunction with the OSCE trained 50 prison administration employees on the maintenance of human rights in the prison system. On May 20, the prison administration trained 20 medical personnel on identifying physical torture or banned cruel treatment.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, authorities continued to engage in such practices.

Role of the Police and Security Apparatus.—The Government authorizes three different organizations to investigate criminal activity. The Ministry of Internal Affairs (MIA) controls the police, who are responsible for law enforcement and maintenance of order and investigate general crime. The National Security Service (NSS), headed by a chairman who reports directly to the president, deals with a broad range of national security and intelligence issues, including terrorism, corruption, organized crime, and narcotics. Prosecutors investigate violent crimes such as murder, as well as corruption by officials and abuse of power. Where jurisdictions overlap, the agencies determine among themselves which should take the lead. The MIA's main investigations directorate maintained internal procedures to investigate abuses and discipline officers accused of human rights violations, but in practice the Government rarely punished officials who committed human rights abuses. A human rights and legal education department within the Ministry of Interior investigated some police brutality cases. The Human Rights Ombudsman's Office, affiliated with the parliament, also had the power to investigate cases, although its decisions on such investigations had no binding authority.

In July the MIA trained 52 employees from various agencies and departments on fulfillment of the Convention Against Torture with respect to law enforcement bodies. In November the MIA in coordination with UNDP held seminars for police officers in two regions on "Implementation of the Convention against Torture in Police Activities," pursuant to its national action plan on implementation of the Convention.

Arrest Procedures and Treatment While in Detention.—Under the law, a judge must review any decision to arrest accused individuals or suspects, and defendants have the right to legal counsel from the time of arrest, although officials do not always grant that right in practice.

According to judicial reforms made in 2008, detainees have the right to request hearings before a judge to determine whether they remain incarcerated or are released. The arresting authority is required to notify a relative of the detainee about the detention and to question the detainee within 24 hours of being taken into custody. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor can request an additional 48 hours, after which time the person must be charged or released. Implementation of these reforms has been slow. In practice judges granted arrest warrants in most cases, and authorities continued to hold suspects after the allowable period of time. The judge

conducting the arrest hearing was allowed to sit on the panel of judges during the individual's trial. There were complaints that authorities tortured suspects before notifying either family members or attorneys of their arrests.

Once authorities file charges, suspects can be held in pretrial detention for as long as three months while investigations proceed. The law permits an extension of the investigation period for up to one year 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. State-appointed attorneys are available for those who do not hire private counsel.

In March 2009 the Cabinet of Ministers adopted a decree requiring that all defense attorneys pass a comprehensive relicensing examination. Several experienced and knowledgeable defense lawyers who had represented human rights activists and independent journalists lost their licenses in the process. As a result, several other activists and defendants faced difficulties in finding attorneys to represent them. Amendments to the criminal procedure code in 2008 abolished provisions that allowed unlicensed advocates to represent individuals in criminal and civil hearings; however, a court has the discretion to allow such an advocate if the advocate belongs to a registered organization.

There were reports that police arrested persons on false charges of extortion, drug possession, 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 and association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up extremist cells, frequently detained and mistreated family members and close associates of suspected members of religious extremist groups. Coerced confessions and testimony in such cases were commonplace.

Many of the year's arrests related to religious extremism resulted from two high-profile killings, an additional homicide attempt, and one exchange of gunfire that took place in Tashkent during the summer of 2009. Between January and April, courts convicted at least 50 persons on charges of extremism in closed trials, issuing verdicts ranging from suspended sentences to 18 years in prison. There were reports that as many as 150 other persons were convicted in related trials across the country. The families of several defendants accused authorities of using torture and coercion to obtain confessions, and many raised questions regarding due process provisions.

In general prosecutors exercised discretion over most aspects of criminal procedures, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when authorities filed no charges, police and prosecutors frequently sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects. During the year pretrial detention typically ranged from one to three months. The Government did not provide the number of persons held in pretrial detention centers.

Amnesty.—On August 28, the senate issued an amnesty decree. According to its terms, women, minors, men over 60 years old, foreign citizens, disabled individuals, and those who had developed serious illnesses in prison could apply for amnesty. Some first-time offenders were also eligible. Amnesty actions included full exemption from further incarceration, transfer to a prison with less severe conditions, or conclusion of a criminal case at the pretrial or trial stage. The Government reported that as of October 25, 84 women and 1,101 men were released from their prison sentences as a result of the amnesty decree.

Local prison authorities have considerable discretion in determining who qualifies for release as they determine whether a prisoner is "following the way of correction" or "systematically violating" the terms of incarceration. Officials often cited "violation of internal prison rules" as a reason for denying amnesty and for extending sentences. Officials often determined that political and religious prisoners were ineligible for amnesty based on these provisions. For example, family members of Alisher Karamatov, widely considered a political prisoner, reported that shortly before the amnesty decree was announced, prison officials determined that he was ineligible because of prison dress code violations. In 2009 Jehovah's Witnesses Olim Turayev, Abdubannov Akmedov, and Farrukh Zaripov, convicted in 2008 for activities related to religion, applied for amnesty, but they were found ineligible due to violations of internal prison regulations.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the judicial branch often took direction from the executive branch.

Under the law, the president appoints all judges for renewable five-year terms. Removal of Supreme Court judges must be confirmed by parliament, which in practice generally complied with the president's wishes.

The Karakalpakstan Supreme Court has jurisdiction over the Karakalpakstan Republic, a semiautonomous region of the country, and defendants may appeal decisions of district and provincial courts to it within 10 days of a ruling. In addition a constitutional court review 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.—The criminal code specifies a presumption of innocence. There are no jury trials. Most trials are officially open to the public, although access was sometimes restricted in practice. Judges may close trials 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 before being allowed to observe proceedings. Judges granted international observers, including foreign diplomats, access to certain hearings. Authorities generally announced trials only one or two days before they began.

Generally, a panel of one professional judge and two lay assessors, selected by either committees of worker collectives or neighborhood committees, presided over trials. The lay judges rarely spoke, and the professional judge usually accepted prosecutor recommendations on procedural rulings and sentencing.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. The Government generally observed these rights, including in high-profile human rights and political cases. In the vast majority of criminal cases brought to court, the verdict was guilty.

Defendants have the right to hire an attorney, and the Government improved access to attorneys after establishing a 24-hour on-call system in 2008. The Government provides legal counsel without charge when necessary. According to reports, state-appointed defense attorneys acted routinely in the interest of the Government rather than of their clients.

By law a prosecutor must request an arrest order from a court, but it was rare for a court to deny such a request. Prosecutors have considerable power after obtaining an arrest order; they direct investigations, prepare criminal cases, and recommend sentences. The prosecutor decides whether a suspect is released on bail or stays in pretrial detention after formal charges are filed. Although the criminal code specifies a presumption of innocence, in practice a prosecutor's recommendations generally prevail. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may "protest" (appeal) the sentence to a higher court. Judges often base their verdicts solely on confessions and witness testimony, which may be extracted through torture, threats to family members, or other means of coercion. Legal protections against double jeopardy are not applied in practice.

The law provides a right of appeal to all defendants, but appeals rarely resulted in reversals of convictions. In some cases, however, appeals resulted in reduced or suspended sentences.

According to 2009 reforms to the criminal procedure code, defense attorneys may access government-held evidence relevant to their clients' cases once the initial investigation is completed and the prosecutor files formal charges. There is an exception, however, for evidence that contains information that if released could pose a threat to state security. During the year courts invoked that exception frequently, leading to complaints that its primary purpose is to allow prosecutors to avoid sharing evidence with defense attorneys. In many cases, prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly in cases involving suspected religious extremists. Lawyers may, and occasionally did, call on judges to reject confessions and investigate claims of torture. Judges often did not respond to such claims or dismissed them as groundless.

Political Prisoners and Detainees.—Observers estimated that authorities held 13 to 25 individuals on political grounds. Officials released one political prisoner during the year, but at least one other individual was imprisoned on what appeared to be politically motivated charges. Family members of several political prisoners reported abuse in prison and deterioration of the prisoners' health.

On January 13, an appellate court upheld the verdict and sentencing of human rights activist Ganikhon Mamatkhanov, who was sentenced to five years in prison on what were widely believed to be false charges of extortion and attempted bribery.

On January 18, a Kashkadarya court sentenced human rights activist Gaybullo Jalilov for membership in an extremist religious group that allegedly planned terrorist attacks against a regional airport. Jalilov, who had been active in assisting others accused of extremism, claimed officials mistreated him while he was in custody and coerced him into signing a confession. On March 9, the Kashkadarya Regional Criminal Court upheld his conviction and sentence. Jalilov reportedly came to his appellate hearing with a swollen eye and told relatives that he had been punched and kicked repeatedly in his cell. In a closed hearing on August 5, the Kashkadarya court extended his sentence by four years for conducting anticonstitutional activities in prison.

On April 30, an Andijan court sentenced Diloram Abdukadirova to 10 years in prison for illegal border crossing and threatening the constitutional order. Abdukadirova fled the country after witnessing the 2005 Andijan events. She returned to the country in January after authorities reportedly gave repeated assurances to her family that she could come home without fear of prosecution, but she was immediately detained and later charged. A family member reported that Abdukadirova had bruises on her face during her trial.

In June police charged Dmitry Tikhonov, a human rights activist from Angren, with attempted murder. His colleagues report that the charges are in retaliation for his attempts to expose local factory corruption and police collusion. The case had not been brought to trial by year's end.

On July 28, a Kashkadarya court convicted political activist Azamat Azimov, a member of the opposition Birdamlik movement, of drug possession with intent to sell and sentenced him to seven years in prison. Azimov's colleagues reported that the charges were a result of his political activities.

On September 16, a Tashkent court found human rights activist Anatoly Volkov guilty on charges of "swindling" money from a 90-year-old pensioner who claimed that Volkov had represented him in court and not transferred money due him from the defendant. Many believed the case was retaliation for Volkov's human rights activities. Volkov appealed the decision on September 22, but the court did not issue a decision by year's end.

On September 6, authorities arrested Matlyuba Kamilova, a human rights activist and school principal from Angren, for drug possession. Friends of Kamilova say that police planted the drugs in her purse in retaliation for her efforts to expose police corruption. At year's end, Kamilova was being held in a pretrial detention facility in Tashkent.

In September a Tashkent court charged human rights activist Tatyana Dovlatova with "hooliganism" under the criminal code. Dovlatova was particularly active defending property owners' rights, and was working on exposing the involvement of officials in a black market currency exchange operation. Her trial was ongoing at year's end.

On December 1, authorities released human rights activist Farhad Mukhtarov, who was sentenced in October 2009 to four years in prison on what many analysts believe were politically motivated charges of fraud and bribery. Under the terms of his parole, the court continued to require that he perform correctional work for another two-and-a-half years. Mukhtarov fled the country, however, because he feared government harassment.

On December 20, a Yangiyul criminal court convicted human rights activist Habibulla Ilmuradov of fraud and drug possession and sentenced him to 14 years in prison. Ilmuradov's family claimed that police planted drugs in his home in retaliation for complaints he made about alleged unlawful actions of a local prosecutor and security officials.

Civil 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. While no specific cases were reported this year, there were reports in the past that bribes to judges influenced civil court decisions.

Civil courts operate on the city, interdistrict, and regional levels. Defendants in civil cases from the Karakalpakstan Republic may appeal to the Supreme Court.

Economic courts with jurisdiction over the individual provinces, the city of Tashkent, and the Karakalpakstan Republic handle commercial disputes between legal entities. Litigants may appeal decisions of these courts to the High Economic Court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law forbid such actions; however, authorities did not respect these prohibitions in practice. The law requires a search warrant for electronic surveillance, but there is no provision for judicial review of such warrants.

There were reports that police and other security forces entered the homes of human rights activists and members of some religious groups without a warrant. On numerous occasions, members of Protestant churches who held worship services in private homes reported that armed security officers raided services and detained and fined church members for religious activity deemed illegal under the administrative or criminal code. On February 23, a court convicted 13 members of an unregistered Baptist church in Almalyk of unauthorized teaching of religion following a police raid on a private home and fined each defendant 3.2 million soum (\$2,500). In March authorities in Kagan raided 11 houses belonging to Jehovah's Witnesses on the day that the Jehovah's Witnesses commemorate the death of Jesus Christ. Authorities convicted four persons of administrative violations and fined them accordingly.

Human rights activists and political opposition figures generally assumed that security agencies monitored their telephone calls and covertly surveilled their activities.

The Government continued to use an estimated 12,000 neighborhood committees ("mahallas") 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 more influential than those located in cities.

There were credible reports that police, employers, and mahallah committees harassed family members of human rights activists. In September officials threatened the son of human rights group Ezgulik's chairperson, Vasila Inoyatova, with criminal charges after he was stabbed by an unknown assailant on September 7. Inoyatova claimed her son's treatment by authorities was a direct result of her human rights activities. In November an Internet news source reported that the son of Habibulla Ilmuradov, a human rights activist charged with drug possession, was fired from his job on November 1 as part of a campaign against his father.

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. Freedom of expression was severely limited.

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 publication of articles that incite religious confrontation and ethnic discord or that advocate subverting or overthrowing the constitutional order.

The law holds all foreign and domestic media organizations accountable for the accuracy of their reporting, bans foreign journalists from working in the country without official accreditation, and requires that foreign media outlets be subject to mass media laws. The Government 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 arrested individuals who possessed literature and audio-video materials from groups considered to be religious extremist groups.

The Uzbekistan National News Agency (UzA) cooperated closely with presidential staff to prepare and distribute all officially sanctioned news and information. In June the Uzbek Agency for Press and Information reported that 1,172 newspapers, magazines, news agencies, electronic media outlets, and Web sites were registered with the Government. The Office of 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) own or control 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 the official Internet sites of various ministries. A few purportedly independent Web sites consistently reported the Government's viewpoint.

The Government allowed publication of a few private newspapers with limited circulation containing advertising, horoscopes, and some substantive local news, including infrequent stories critical of government socioeconomic policies. Three private national Russian-language newspapers carried news and editorials exclusively favorable to the Government, as did two Uzbek-language newspapers. Russian Federation newspapers and a variety of Russian Federation tabloids and lifestyle publi-

cations were available, and a modest selection of other foreign periodicals was available in Tashkent.

The four state-run channels dominated television broadcasting. Cable and satellite television channels also were watched widely in Tashkent and other major cities. Much of the programming available via cable and satellite was from Russia. Numerous privately owned regional television stations and privately owned radio stations were influential among local audiences.

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 censorship. Government officials allegedly provided verbal directives to journalists to refrain from covering certain events sponsored by foreign embassies. There were reports, however, that regional television outlets broadcast some moderately critical stories on local issues.

The Government continued to refuse Radio Free Europe/Radio Liberty, Voice of America, and BBC World Service permission to broadcast from within the country. It also continued to use accreditation rules to deny foreign journalists and media outlets, as well as international NGOs, the opportunity to work in the country. Among Western media outlets, only Agence France Press (AFP) had a reporter working in the country with official accreditation, and AFP must renew the accreditation every six months. In June a few Western reporters, including from CNN and BBC, were able to enter and work in the country following the violence in Kyrgyzstan and ensuing refugee crisis. Those reporters left the country when the crisis ended.

During the year harassment of journalists increased. Police and security services subjected print and broadcast journalists to arrest, harassment, intimidation, and violence, as well as to bureaucratic restrictions on their activity.

On January 7, the Tashkent City Prosecutor's office called in for questioning six well-known journalists who worked for foreign media outlets. After presenting them with the Government-compiled files on their work, prosecutors questioned them about their articles, finances, and ties to foreign governments. In some cases, prosecutors told journalists that they possessed information that could lead to their arrests. One journalist, fearing prosecution, departed the country later in the year.

On March 13, officials detained Vasily Markov, a freelance independent journalist covering the detention of a local human rights activist in the city of Parkent. Officials released him the same day. In June officials detained him again for several days in Andijan, where Markov had been covering the influx of ethnic Uzbek refugees from Kyrgyzstan. Officials did not formally charge him in either case.

On May 27, a Tashkent court sentenced Hayrulla Khamidov, a well-known sports commentator, Deputy Editor in Chief of Champion newspaper, and popular speaker on religious topics, to six years in prison for being a "jihadist" and for "illegal distribution of materials that threaten the public order." Local human rights activists claimed that the Government targeted Khamidov for his public speeches and discussions involving sensitive subject matters. Khamidov did not appeal the decision.

On June 13, authorities detained independent journalist Aleksei Volosevich after he was seen filming ethnic Uzbek refugees fleeing ethnic violence in Kyrgyzstan. Officials detained him for three days before releasing him without charges.

On August 23, two employees from Yoshlar ("Youth") television station complained in a press conference that the channel was subjected to censorship and corruption. They asserted that officials had forbidden the broadcasting of reports critical of the Government. A station editor later denied the accusations. The journalists held a short protest on December 6 without interference, but on December 9, the station leadership dismissed them from their positions. Both journalists have reported harassment by authorities since their August press conference.

On October 13, a Tashkent court found Russian citizen Vladimir Berezovsky guilty of libel and insult against the Uzbek people but immediately granted him amnesty from sentencing. Berezovsky was the editor of the news Web site vesti.uz and also reported for Russia's *Parlamentskaya Gazeta*. Berezovsky did not author several of the articles that prosecutors submitted as evidence during the trial, but posted them on the Web site. On October 29, a Tashkent city criminal court upheld the decision.

On October 15, a Tashkent court found Voice of America (VOA) journalist Abdumalik Boboev guilty of libel, insult, and distribution of materials that pose a threat to public safety, based solely on his VOA reporting. The court imposed a fine of approximately 18 million soum (\$11,000), and appellate courts sustained the verdict and sentence on November 12 and December 28.

During the year there were no new developments regarding eight journalists from *Yetti Iqlim* newspaper and *Irmoq* magazine (private, Uzbek language, scientific publications) who were convicted in 2009 of membership in the banned Nur religious

movement. Sentences in those cases ranged from six-and-one-half years to 12 years in prison.

Independent journalist Dilmurod Sayid appealed his 2009 conviction based on charges of extortion and bribery that were widely believed to be fabricated. On August 10, the Supreme Court upheld the conviction and the resulting 12-and-one-half year prison term. In an open letter to the United Nations Secretary General written from his prison hospital bed, Sayid stated that while in prison he had lost a significant amount of weight and continued to suffer from significant health problems.

Independent journalist Salijon Abdurahmanov from Nukus served the second year of his 10-year sentence for what were widely considered politically motivated drug charges. His family reported that his health improved after he was treated for a stomach ailment early in the year.

During the year the Government harassed journalists from state-run and independent media outlets in retaliation for their contacts with foreign diplomats, specifically questioning them about such contacts. Some journalists refused to meet with foreign diplomats face-to-face because doing so in the past resulted in harassment and questioning by the NSS.

Government security services and other offices regularly directed publishers to print articles and letters under fictitious bylines and gave 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. Journalists engaged in little independent investigative reporting. The number of critical newspaper articles remained low and narrow in their scope. Widely read tabloids, however, were able to publish some articles that presented mild criticism of government policies or which discussed some problems that the Government considered sensitive, such as trafficking in persons.

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 the Government.

On February 10, a Tashkent court found photographer Umida Ahmedova guilty of defaming the Uzbek people through a book of photography and a documentary film but immediately granted her amnesty from punishment. On March 17, an appellate court upheld both the conviction and the amnesty. In May Ahmedova appealed to the Supreme Court, but there was no response by year's end.

In February it was reported that in September 2009, a Tashkent court sentenced Maxim Popov, a psychologist and HIV/AIDS activist, to seven years in prison on charges related to an HIV/AIDS prevention booklet, as well as financial improprieties related to grant funding the NGO had received. None of the international organizations that had funded Izis, the NGO at which Popov had been Executive Director, had complained about his grant management, and it was widely believed that the Government targeted him because of the sensitive nature of his work.

On September 28, a Tashkent court found for the plaintiff in a libel case against human rights defender Surat Ikramov, ordering that he pay 100,000 soum (\$66) in damages and that he retract statements he made in an earlier report. Ikramov believed that the plaintiff brought the civil suit at the behest of law enforcement officials Ikramov had implicated in his reporting on the death of a popular singer. A court imposed fines of 550,000 soum (\$370) against Ezgulik on libel charges related to the same case.

Internet Freedom.—The Government allowed access to the Internet and reported that the number of Internet users in the country during the year was more than 2.9 million, exceeding 10 percent of the population. However, Internet service providers, at the Government's request, routinely blocked access to Web sites or certain pages of Web sites the Government considered objectionable. The Government blocked several domestic and international news Web sites and those operated by opposition political parties. On July 28, authorities blocked the Web site of the "Expert Working Group," an unregistered think tank that comments on various political and economic issues.

The media law defines Web sites as media outlets, requiring them, as is the case with all local and foreign media, to register with the authorities and provide the names of their founder, chief editor, and staff members. Web sites were not required to submit to the Government hard copies of publications, as was required of traditional media outlets.

Several active online forums allowed registered users to post comments and read discussions on a range of social issues facing the country. In order to become a registered user in these forums, individuals were required to provide personally identifiable information. It is not clear whether the Government attempted to collect this information.

A decree requires that all Web sites seeking “.uz” domain must 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.

Some human rights activists stated they believe their e-mail was monitored by the Government, but there was no corroborating evidence to support those claims. According to a Forum 18 March16 report, the Government prevented some individuals and groups from engaging in peaceful expressions of views via the Internet by blocking access to a number of sites, especially those with religious content.

Academic Freedom and Cultural Events.—The Government continued to limit academic freedom and cultural events. Authorities occasionally 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 books and speeches of the president and that missing any of these seminars constituted grounds for expulsion.

Although a decree prohibits cooperation between higher educational institutions and foreign entities without the explicit prior approval of the Government, foreign institutions often were able to obtain such approval by working with the MFA, especially for foreign language projects. Some school and university administrations, however, continued to pressure teachers and students to refrain from participating in conferences sponsored by diplomatic missions.

There were a few instances of individuals choosing not to participate in international exchange programs after government officials threatened them with the loss of their jobs, but there were no reports of individuals losing their jobs after participating in such programs.

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 for security reasons. The Government often did not 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 dispersed and sometimes detained those involved in peaceful protests, and sometimes pressed administrative charges as a result of protest actions.

On November 25, police detained and interrogated Gulshan Karaeva and Nodir Akhatov, members of the Karshi branch of the Human Rights Society of Uzbekistan (HRSU), for alleged involvement in a protest organized by a group of Muslim women over the arrest of their family members on extremism charges. On November 27, police summoned Karaeva and Akhatov to the local prosecutor's office and interrogated them for several hours about the incident.

On December 6, police arrested human rights activists Abdullo Tadjiboy-ogli, Vladimir Khusainov, Victoria Bazhenova, and Dmitry Tikhonov for protesting in Tashkent's Independence Square. A court found them guilty of holding an unsanctioned protest and imposed fines between three million and 3.5 million soum (\$2,000 to \$2,300). In response, the leader of the Human Rights Alliance of Uzbekistan, Elena Urlaeva, called on authorities to adopt a law on a citizen's right to non-violent protest. Urlaeva herself engaged in several protest actions throughout the year, and although authorities frequently detained her, they did not press charges.

In several other cases, human rights activists reported that local residents protested economic conditions, and human rights activists occasionally held small protests, without interference 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 and expressed concerns about internationally funded NGOs fomenting public dissent and unregulated Islamic and minority religious groups. There are strict legal restrictions on the types of groups that may be formed, and the law 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 from the Ministry of Justice (MOJ), during which time the Government officially classifies them as “initiative groups.” Several NGOs continued to function as initiative groups for periods longer than six months.

NGOs that intend to address sensitive issues such as HIV/AIDS or refugee issues often faced increased difficulties in obtaining registration. The Government allowed

nonpolitical associations and social organizations to register, but complicated rules and a cumbersome government bureaucracy made the process difficult and allowed opportunities for government obstruction. The Government compelled most local NGOs to join a government-controlled NGO association that allowed the Government some control over the NGOs' funding and activities. The degree to which NGOs were able to operate varied by region because some local officials were more tolerant of NGO activities.

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 the Government 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 the Government did not approve in advance. The Government enforced the 2004 banking decree that, although ostensibly designed to combat money laundering, also complicated efforts by registered and unregistered NGOs to receive outside funding. The MOJ requires NGOs to submit detailed reports every six months on any grant funding received, events conducted, and planned events for the next period.

The Government reported that in October there were more than 5,000 registered NGOs. Credible sources estimated approximately 400 independent NGOs remained following the closure of more than 300 local NGOs and 17 or more foreign-funded NGOs in the post-Andijan period. The Government also reported that there were 17 professional unions and more than 100 sports associations.

In 2009, the Finance Ministry issued an order requiring all humanitarian aid and technical assistance recipients to submit information about their bank transactions, and that requirement remained in force during the year.

The law criminalizes membership in organizations the Government deems extremist, including "jihadchilar" and other groups branded with the general term "Wahhabi." The law also banned the extremist Islamist political organization Hizb-ut Tahrir (HT), stating it promoted hate and condoned acts of terrorism.

Following the 2005 Andijan events, the Government pressured and prosecuted members of the now-disbanded Islamic group Akromiya (Akromiylar). 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 (IMU), to overthrow the Government through armed rebellion. During the year there were no reported criminal cases against Akromiya members, but family members of those who fled the country or were imprisoned following the Andijan events reported continued harassment, including police summons for interrogation and threats of confiscation of property.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 and across its borders, although the Government limited this right in practice. The Government at times delayed domestic and foreign travel and emigration during the visa application process. The Government allowed more than 100,000 refugees from the Kyrgyz Republic to enter the country following ethnic violence in June but closed the border after their return. Subsequently, it tightly controlled vehicular and pedestrian traffic to and from the Kyrgyz Republic, frequently closing the border for short periods with no advance notice.

On May 24, officials reportedly closed the border with Tajikistan for 10 days following several reported cases of polio in Tajikistan. Borders are sometimes closed around national holidays due to security concerns. Permission from local authorities is required to move to Tashkent City or Tashkent Region. The Government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of approximately 1,500,000 soum (\$1,000) to obtain the registration documents required to move.

Citizens are required to have a domicile registration stamp in their passport before traveling domestically or leaving the country. The Government also requires citizens to obtain exit visas for foreign travel or emigration, although it generally grants the visas. For expedited issuance, local officials often demanded bribes. There were reports during the year that the Government delayed exit visas for human rights activists to prevent their travel abroad; in some cases, they were delayed for many months. Citizens generally continued to be able to travel to neighboring states. Land travel to Afghanistan remained difficult. Citizens needed permission from the NSS to cross the border.

The Government requires hotels to register foreign visitors with the Government on a daily basis. Foreigners who stay in private homes are required to register their location within three days of arrival. Government officials closely monitor foreigners in border areas, but foreigners generally can move within the country without restriction.

The law does not provide for dual citizenship. In theory returning citizens must prove to authorities that they did not acquire foreign citizenship while abroad or face loss of citizenship. In practice citizens who possessed dual citizenship generally traveled without impediment.

The Government noted that citizens residing outside the country for more than six months can register with the country's consulates, and such registration was voluntary. Unlike in some previous years, there were no reports that failure to register rendered citizens residing abroad and children born abroad stateless.

The law does not address forced exile. In 2009, however, political opposition leader Bahodir Choriev, an Uzbek citizen with U.S. residency, was forced to leave the country after he returned and tried to organize a "founding congress" for his party. No persons were forcibly exiled during the year.

Protection of Refugees.—Following an outbreak of ethnic violence in Kyrgyzstan in June, the Government accepted approximately 100,000 ethnic Uzbek refugees into its territory. In cooperation with the international community, the Government provided food, water, and shelter, in addition to limited medical and psychological services between June 11 and June 25. For the first time since the 2005 Andijan events, the Government invited the Office of the UN High Commissioner for Refugees (UNHCR) into its territory to help meet refugee needs, and officials from UNHCR and other international organizations reported high levels of cooperation throughout the crisis.

After approximately two weeks, the Government in concert with the Government of Kyrgyzstan sought to repatriate the refugees. The majority of refugees reportedly returned voluntarily, although there were some reports of coercive tactics employed by authorities from both countries to return some of the refugees to Kyrgyzstan. The Government provided no resettlement options that would allow the refugees to reside in the country legally and permanently, but neither did it pressure the remaining refugees to depart its territory. There were some reports of Kyrgyzstani refugees buying property without government impediment in anticipation of permanent relocation. The Government did not approve a UNHCR request to maintain a continuing presence in the country, and all UNHCR personnel were required to depart not long after the crisis ended.

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. In a departure from the previous two years, there were no reported cases of the Government forcibly removing Afghan refugees from the country.

During the first 10 months of the year, the UN Development Program (UNDP) continued to assist with monitoring and resettlement to another country of approximately 370 refugees, most of them Afghans, who remained in the country. The UNDP also performed some of the UNHCR's humanitarian functions, as it has done since the UNHCR office closed in 2006.

Since 2007 the MFA has not considered UNHCR mandate certificates 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 UNHCR mandate refugees from Afghanistan and Tajikistan to be economic migrants, and officials sometimes subjected them to harassment and bribery. Most refugees from Tajikistan were ethnic Uzbeks; and, unlike refugees from Afghanistan, those from Tajikistan were able to integrate into the local communities, and the local population supported them. Some refugees from Tajikistan were officially stateless or faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajik or Uzbek passports.

The UNHCR reported that Afghan refugees had no access to legal employment and therefore had limited means to earn a livelihood. There have been reports that Afghan refugees frequently failed to seek police protection or redress through the courts because they feared harassment or retribution by officials. The Government provided access to education and some basic services, but the Government does not provide for durable solutions such as naturalization.

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. 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 over government appointments, most of the economy, and the security forces.

Elections and Political Participation.—In 2008 President Karimov began a third term as president as a result of elections held in 2007 that did not meet international democratic standards. The OSCE's limited election observation mission noted that while there were more candidates than in previous elections, all the candidates publicly endorsed President Karimov's policies. There was no expression of competing political views. Administrative hurdles kept some potential candidates off the ballot, and the Government tightly controlled the media coverage of the election. The OSCE mission noted procedural problems and irregularities in vote tabulation.

The constitution prohibits a president from seeking a third term in office, an apparent contradiction the Government has never addressed publicly. The OSCE declined to monitor the 2000 election in which President Karimov was reelected to a second term, determining that 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.

The country held parliamentary elections in December 2009. Changes to election law ensured that only members of political parties (all of whom supported the president) were eligible to run for office. For the first time, however, the political parties engaged in debate and criticized each other's proposed policies. Election observers noted that the elections themselves appeared to be conducted with fewer irregularities than in previous years. Multiple voting instances were the most commonly observed problem, attributed to a tradition of "family voting," in which one person casts votes for an entire family. The OSCE's Office for Democratic Institutions and Human Rights' Election Assessment Mission acknowledged that the elections were administered "in a competent manner and according to schedule," but that the "field of candidates did not offer real political alternatives to voters," and that some "serious irregularities undermined the principle of equality of the vote and raised questions about the integrity of the elections."

Registered political parties included Milliy Tiklanish ("National Rebirth"), the People's Democratic Party of Uzbekistan, the Adolat ("Justice") Social-Democratic Party, and the Liberal Democratic Party of Uzbekistan. The Government controlled all registered political parties and provided their funding.

The law allows independent political parties, but the MOJ has broad powers to interfere with parties and to withhold financial and legal support to parties that they judge as being 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 as long as six months without a court order. The Government also exercised control over established parties by controlling their financing and media exposure.

Only registered political parties may nominate candidates. In 2008 the number of deputies in parliament's lower house (the Oliy Majlis) expanded from 120 to 150, with half of the new seats reserved for members of the new "Ecological Movement of Uzbekistan." With this change, 10 percent of the Oliy Majlis members were appointed rather than elected. All members of the senate either are appointed by the president (16 members) or chosen in limited elections open only to elected members of local councils (84 members). The executive branch can initiate legislation, and a Tashkent-based research group reported that between 2004 and 2009, the executive branch initiated 93 percent of all legislative acts. In this year's opening session of parliament, President Karimov urged members of parliament to take a more active role in initiating and developing legislation.

The law prohibits judges, public prosecutors, NSS officials, persons serving in the armed forces, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, 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 Government banned or denied registration to several political parties following the 2005 Andijan events. Former party leaders remained in exile, and their parties struggled to remain relevant without a strong domestic base.

There were 32 women in the 150-member lower chamber of the parliament and 15 women in the 100-member senate, along with one woman in the 28-member cabinet. In 2008 Dilorom Toshmammedova, 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 lower house of parliament, the highest government position a woman has held.

There were 11 members of ethnic minorities in the lower house of parliament and 11 members of ethnic minorities in the senate.

Section 4. Official Corruption and Government 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 among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. There were at least 11 publicized prosecutions of law enforcement officials on corruption-related charges during the year, representing a substantial increase over previous years. In a speech on December 7 to mark Constitution Day, the president notably stated that the time has come to "stop tolerating" cases of corruption, extortion, and abuse of office.

The Government reported that during the year, it convicted 6,025 government officials on corruption-related charges, including 245 representatives of law enforcement bodies. Of these, 945 were sentenced to imprisonment, 3,272 to correctional work, 1,615 to financial penalties, and four to suspended sentences. Under the amnesty decree, 1,098 persons were excused from punishment. Some of the charges against these persons were embezzlement, tax evasion, abuse of office, excessive use of power, official negligence, forgery, and bribery.

In 2008 the president signed a law ratifying 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. Implementation of the law was inconsistent; but in July the Prosecutor General's Office created a special working group to bring the legislation in line with the UN convention. That office charged the working group with developing a five-year national action plan of anti-corruption measures that will seek to address prevention and detection of corruption, as well as legal education for citizens.

The World Bank corruption indicators gave the country particularly low marks for accountability and control of corruption, with both indicators dropping over the last five years. The public generally did not have access to government information, and the Government seldom reported information normally considered in the public domain.

Corruption was a severe problem in the university, law, and traffic enforcement systems. There were several reports that bribes to judges influenced the outcomes of civil suits. On January 15, a state-controlled television station broadcast a report on corruption in the education system in the Samarkand region. The report questioned the value of a corrupted education system and highlighted cases of teachers arrested and sentenced for taking bribes.

An independent Web site reported on August 16 that officials arrested the provost of the Tashkent Institute of Law for bribery. On August 14, it reported that officials also arrested two deputy mayors and the head of public education in the Jizzakh region's Zarbdor district for taking bribes. On August 4, the same Web site reported that the Tashkent region criminal court sentenced former head of the interrogation office of Parkent district to 11 years in prison for bribery.

On February 19, a state-controlled newspaper reported that the Government sentenced three investigators from the Tashkent region to 15, 12, and seven years in prison for taking bribes to cover up cases of fraud and embezzlement.

On March 24, a state-controlled newspaper reported that the Kashkadarya regional court sentenced two police investigators from the Nishon district to 10.5 and 11 years in prison for extortion.

On March 31, an independent Web site reported that the Government launched criminal cases against at least 10 officials in the Jizzakh region accused of taking bribes, including eight from the tax department. On May 14, the same source reported that a former deputy governor of the Samarkand region and a deputy head of the Kattakurgan region had been sentenced to 11 and eight years respectively in prison for taking bribes.

On June 27, an independent Web site reported that a Tashkent city prosecutor fired in May was arrested for abuse of office and bribery.

On July 16, a state-controlled newspaper reported that the Surkhandarya regional criminal court sentenced the mayor of the town of Termez to 11 years in prison for abuse of office and taking bribes.

On October 22, a state-controlled newspaper reported that a Surkhandarya Regional court convicted Korahon Tursunov, the mayor of Termez city, of bribery, extortion, and abuse of office and sentenced him to 11 years in prison.

On December 17, the president personally removed Uktam Barnoyev from his position as the governor of the Samarkand Region, reportedly for corruption and abuse of authority.

Section 5. 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 the Government often hampered their activities by creating fear of official retaliation. The Government frequently harassed, arrested, and prosecuted human rights activists.

The Government officially acknowledged two domestic human rights NGOs—Ezgulik and the Independent Human Rights Organization of Uzbekistan. Others were unable to register but continued to function at both the national and local levels. Between January and September, the Humanitarian Legal Center in Bukhara submitted four applications for registration and each time was denied without explanation. The NGO continued to conduct activities, however, and local authorities even participated in round table discussions on certain topics.

Organizations that attempted to register in previous years and remained unregistered included the HRSU, the Expert Working Group (EWG), and Mazlum (“Oppressed”). These organizations do not exist as legal entities, but they continued to function despite difficulty renting offices and conducting financial transactions. They could not open bank accounts, making it virtually impossible to receive funds legally. Unregistered groups were vulnerable to government prosecution. In rare cases, however, government representatives participated with unregistered groups in certain events. For example, the EWG held a half-day seminar involving migration issues that was attended by members of government-organized entities.

Government officials spoke informally with domestic human rights defenders, some of whom noted that they were able to resolve cases of human rights abuses through direct engagement with authorities.

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; occasionally police and other government authorities ordered activists to cease contact with foreigners. Unknown assailants occasionally attacked human rights activists. Authorities regularly detained or arrested human rights activists and subjected them to house arrest or false criminal charges. One activist reported being kept under house arrest on April 5 during the visit of UN Secretary General Ban Ki Moon and of being under strict control during the annual meeting of the Asian Development Bank in the first week of May. At least seven activists were effectively under house arrest on May 13, the five-year anniversary of the Andijan events. Eight activists reported being under house arrest or strict control of law enforcement officers for two days around the September 1 Independence Day holiday.

On December 17, an unknown assailant struck human rights activist Dmitriy Tikhonov in the leg with a metal bar, injuring his left knee. Tikhonov believed the assault was in retaliation for his human rights activities.

The Government continued to restrict the work of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. The Government followed a standard policy of auditing all international NGOs annually.

The Government required 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.

Human Rights Watch (HRW) remained registered, but has not been able to obtain accreditation for an international staff person since 2008. In October the Government granted a short-term visa to HRW’s proposed director for its Tashkent office, who immediately applied for accreditation. The Government extended the term of the visa while the proposed director waited for a decision, but on December 24, the Government denied the accreditation request.

Although the OSCE has been able to do only limited work on human rights issues since 2006, the Government approved several proposed OSCE projects during the year, including in the “human dimension,” the human rights part of the OSCE’s work.

The Human Rights Ombudsman’s Office stated that its goals included 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 mediates disputes between citizens who contact it and makes recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The ombudsman has offices in all provinces of the country, as well as in the Karakalpakstan Republic and Tashkent. The Ombudsman’s Office reported that in 2009, it received 10,409 petitions throughout the country. The central office in Tashkent received 7,394 complaints, took action in 3,515 of those, and positively resolved 452 complaints. The majority of these complaints dealt with the rights to life, freedom, privacy, human treatment, and respect for dignity, as well as the right to a fair trial.

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.

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 that the Government complies with its international obligations to provide human rights information. During the year the center’s director responded to questions under the ICCPR Review, accepting some criticism but denying many of the allegations or stating that the issues involved the country’s internal affairs.

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

The law and constitution prohibits discrimination on the bases of race, gender, disability, language, and social status. However, 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 the court did not try any known cases. Cultural norms discouraged women and their families from speaking openly about rape, and the press rarely reported instances of rape.

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 partners, and officials rarely removed abusers from their homes or took them into custody. Society considered the physical abuse of women to be a personal affair rather than a criminal act. Family members or elders within the mahallah usually handled such cases, and they rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. Although prohibited by law, polygamy still existed.

As in past years, there were reported cases in which women attempted or committed suicide as a result of domestic violence. Those active in women’s issues suggested that many 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 exercises complete control over a wife, as the usual reason for suicide. There were no government-run shelters or hotlines for victims of domestic abuse, and very few NGOs focused on domestic violence.

The law does not explicitly prohibit sexual harassment, but it is illegal for a man to coerce a woman who has a business or financial dependency into a sexual relationship. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

The Government generally allowed couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and it granted access to information and the means to do so free from discrimination, coercion, and violence. There were, however, several reports of involuntary sterilizations of women and allegations that the Government pressured doctors to sterilize women to control the birth rate. The Government’s official policy is for doctors to encourage all forms of family planning including sterilization, which may not be done without the informed consent of the patient.

Contraception generally was available to both men and women. In most districts, maternity clinics were available and staffed by fully trained doctors, who gave a wide range of prenatal and postpartum care. There were reports that women in rural areas chose in greater numbers than in urban areas to give birth at home without the presence of skilled medical attendants.

Men and women generally are diagnosed and treated equally for sexually transmitted infections, including HIV.

The law prohibits discrimination based on gender, and the National Women's Committee (NWC) exists to promote the legal rights of women. Women historically have held leadership positions across all sectors of society, although not with the same prevalence as men, but cultural and religious practices limited their role. The Government provided little data that could be used to determine whether women experienced discrimination in access to employment, credit, or pay equity for substantially similar work.

The NWC works with the UNDP on implementation of both the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 2007 National Action Plan to address recommendations of the CEDAW committee.

Children.—Citizenship is derived by birth within the country's territory and from one's parents. The Government generally registers all births immediately.

On September 29, the president signed a new law on the prevention of child neglect and juvenile delinquency, with the stated intentions of preventing child neglect, homelessness of children, and the criminal and antisocial activities of minors, and identifying and addressing the causes and conditions contributing to such problems. The law provides for children's rights and for free compulsory education for 12 years through basic and secondary school, and does so equally for both boys and girls. In practice shortages and budget difficulties meant many families had to pay education expenses. Teachers earned extremely low salaries and often expected regular payments from students and their parents in return for good grades.

The Government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the health sector led to a widespread system of informal payments for services; in some cases, this was a barrier to access for the poor. With some exceptions, those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Society generally considered child abuse to be an internal family matter, and government officials were reluctant to discuss the issue openly with international organizations. 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 community.

The law states that the minimum age for marriage is 17 years old for women and 18 years old for men, but a mayor of a district may lower the age by one year in exceptional cases. Child marriage was not prevalent, although in some rural areas girls as young as 15 occasionally were married in religious ceremonies not officially recognized by the state.

The law protects children from "all forms of exploitation," including involvement in criminal activity and prostitution. Involving a child in prostitution is punishable with a fine of 25 to 50 times the minimum monthly wage and prison time of an unspecified length.

A statutory rape law states that a child younger than 16 years old cannot legally consent to having sexual relations with an adult, and the punishment for statutory rape is 15 to 20 years of imprisonment. The production, demonstration, and distribution of child pornography (of persons younger than 21 years old) are punishable by fine or up to three years' imprisonment.

There were isolated reports of women being pressured into institutionalizing children who were born with birth defects or other illnesses. According to these reports, this action was more likely to occur when the mother was single or had no means to care for the child.

Men are required to serve one year of military duty at the age of 18. The Government offers "alternate service" to a person who has been designated by a medical commission to be physically unable to serve. The alternative usually means paying 30 percent of one's salary to the Ministry of Defense for one year. University students can defer their service, and some universities have programs that will substitute for military service. There were other options to pay a fee in lieu of service.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—Jewish leaders reported high levels of acceptance in society. There were no reports of anti-Semitic acts or patterns of discrimination against Jews. The Jewish community was unable to meet the registration requirements necessary to have a centrally registered organization, but there were eight registered Jewish congregations throughout the country. Observers estimated the Jewish population to be approximately 10,000 persons, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers continued to decline due to emigration, largely for economic reasons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities. In 2009 the Government signed the UN Convention on the Rights of Persons with Disabilities. The convention clarifies the rights of persons with disabilities and identifies areas where adaptations must be made to allow persons with disabilities to exercise their rights effectively. The Government has not yet ratified the convention.

Between January and March, the National Center for Children's Social Adaptation held a series of trainings on inclusive education, with the intention of working toward better integration of children with disabilities into both education and society.

In April the Government began a campaign to confirm the disability levels of citizens who receive government disability benefits. Ostensibly, the confirmations were conducted to ensure the legitimacy of the payments, but there were reports that some persons with disabilities had their benefits unfairly reduced in this process.

There was some societal discrimination against persons with disabilities. The Government provided care for persons with mental disabilities in special homes.

The Ministry of Labor and Social Protection continued to participate in the Accessibility, Civic Consciousness, Employment, and Society Support for Persons with Disabilities (ACCESS) project with several international partners, including the UNDP. The purpose of the project is to combat societal discrimination against persons with disabilities and expand social integration, employment, and inclusive educational opportunities, in addition to improving the implementation of national legislation. In July ACCESS coordinators held a two-day training session for professionals of the State Architecture and Construction Committee to ensure the accessibility of newly planned and constructed public buildings; a three-day training for media representatives on understanding and media coverage of disability issues; and a conference on the implementation of the UN Convention on the Rights of Persons with Disabilities. Disability activists report that accessibility remains inadequate, noting that many of the high schools constructed in the last few years have exterior ramps, but no interior modifications that would allow wheelchair accessibility.

During the year there were no reports of fines imposed for facilities being inaccessible to persons with disabilities. In 2008 the Government amended the law to include provisions imposing stiff fines for such violations.

Although 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. There were no reports this year of persons 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. There were no reports of problems regarding accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

National/Racial/Ethnic Minorities.—The constitution states that all citizens are equal, regardless of ethnic background, and provides equal protection by the courts to all residents irrespective of national, racial, or ethnic origin. The country has significant Tajik (5 percent) and Russian (5.5 percent) minorities and smaller Kazakh and Kyrgyz minorities. There also was a small Romani population in Tashkent, estimated at less than 50,000 individuals. Complaints of societal violence or discrimination against members of these groups were rare.

The constitution also provides for the right of all citizens to work and to choose their occupations. Although the law prohibits employment discrimination on the bases of ethnicity or national origin, ethnic Russians and other minorities occasionally expressed concern about limited job opportunities. Officials reportedly reserved senior positions in the Government bureaucracy and business for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship, but language often was 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 is spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual activity among men is punishable by up to three years’ imprisonment. Although convictions under this criminal provision are rare, there were reports that police used informants to extract heavy bribes from gay men. The law does not criminalize sexual activity among women.

Homosexuality generally was a taboo subject in society, and there were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was also no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, but this circumstance may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

Other Societal Violence or Discrimination.—There was a 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. The military summarily expelled recruits in the armed services found to be HIV-positive. 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.

Section 7. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions of their choice. In practice workers generally did not exercise this right out of fear that attempts to create alternative unions would be quickly repressed. 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, with official reports of 60 percent of employees in the country participating. Leaders of the federation are appointed by the president’s office rather than elected by the union board. All regional and industrial trade unions at the local level were state-managed. 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. The law neither provides for nor prohibits the right to strike.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct activities without interference from the employer or from government-controlled institutions. The law provides the right to organize and to bargain collectively; in practice this right was not exercised. Unions were government-organized institutions with little bargaining power aside from some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because the state heavily influenced the unions, 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, 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 gives unions oversight for individual and collective labor disputes.

There are no special laws or exemptions from regular labor law within the free trade zone established in Navoi.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children, except as legal punishment for such offenses as robbery, fraud, or tax evasion, or as specified by law. However, such practices occurred during the cotton harvest, when authorities compelled schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. Credible reporting indicated the use of forced adult labor during the cotton harvest was higher than in the previous year. Local officials, under central authority, reportedly compelled the adults under threats of adverse employment actions or denial of social benefit payments. Authorities expected teachers and school administrators to participate in the harvest either as supervisors or by picking cotton themselves; schoolteachers often bore responsibility for ensuring their students met

quotas. Students and adults who did not make their quotas were sometimes subject to ridicule or abuse by local administrators or police. The loss of public sector workers during the cotton harvest adversely affected communities, as medical procedures often were deferred, essential public services delayed, and internationally funded development projects put on hold while implementing partners worked the fields.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws to protect children from exploitation in the workplace provide both criminal and administrative sanctions against violators of the child labor laws; however, these laws were not effectively enforced. Children worked in family businesses in cities during school holidays and vacations, and some children worked as street vendors, often helping their parents.

Children also worked in the planting and picking of cotton. Many thousands of schoolchildren and university students worked in the cotton fields during the annual harvest as a result of government mobilization. The national labor code establishes the minimum working age at 16 years old and provides that work must not interfere with the studies of those younger than 18 years old. The law establishes a right to a part-time job beginning at age 15, 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. Amendments in 2009 abolished a provision that allowed 14-year-olds to be involved with “light work” that did not interfere with education or hinder the health or development of the child. Children between the ages of 16 and 18 years old may work 36 hours per week while school is not in session and 18 hours per week while school is in session.

The use of forced child labor in the cotton sector was widespread. During the fall harvest, local administrators throughout the country closed schools and universities for up to eight weeks and transported students to work in the cotton fields. Although the majority of students appeared to be over the age of 12 years old, 11-year-olds were not uncommon, and there were isolated reports of some students as young as 10-years-old having to work in the fields. Observers reported that older students often worked 10-hour days and frequently were housed in tents or barracks away from their families. For the second year in a row, the majority of classes remained in operation at the younger grade levels.

Students and adults made between 100 and 120 soum (\$.06) per kilo (2.2 pounds) of cotton picked. Younger students were expected to pick 20 to 45 kilograms of cotton per day, while older students and adults were expected to pick 50 to 60 kilos per day. The resulting daily wage was between 2,000 and 5,400 soum (\$1.30 to \$3.60) for younger students and 5,000 to 7,200 soum (\$3.30 and \$4.80) per day for older students. Many universities reportedly threatened to expel students who did not participate in the harvest, and at least one university expelled a student for refusing to participate.

Working conditions varied greatly by region. There were some reports of inadequate food and lodging for the children; there were also reports of students without access to clean drinking water.

For additional information on forced child labor, see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

In 2009 Ministry of Labor and Social Security (MOL) and Ministry of Health (MOH) published a joint decree prohibiting the employment of minors under 18 years old in occupations on the list of hazardous work that included the manual harvesting of cotton. A February joint decree from MOL and MOH states that the law prohibits children under 18 years old from working in any of the unfavorable conditions of work listed by the ministries. The law stipulates that public officials who violate labor legislation involving a minor are subject to stiff fines and private individuals to fines of lesser amounts.

Labor legislation does not explicitly provide jurisdiction for inspectors from the MOL to focus on child labor enforcement. Enforcement of child labor laws is under the jurisdiction of the MOL, the prosecutor general, the Ministry of Internal Affairs (MIA), and MIA general criminal investigators. It is unclear whether the MIA conducts inspections in the agricultural sector. There were no known prosecutions for using child labor during the year.

The Government’s 2008 National Action Plan called for an end to the worst forms of child labor, including forced labor; however, most of its goals have not been reached. The Government does not allow independent organizations to assess comprehensively child labor in the cotton sector, nor does it provide figures on the use of child labor in the country.

e. Acceptable Conditions of Work.—The minimum wage from December 2009 until August was 37,680 soum (\$25) per month; on August 1, it was raised to 45,215

soum (\$28). This wage 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 rarely was paid in practice.

The MOL establishes and enforces occupational health and safety standards in consultation with unions. Reports suggested that enforcement was not effective. Although regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Labor inspectors conducted inspections of small- and medium-sized businesses once every four years and inspected larger enterprises once every three years. The MOL or a local governor's office can initiate a selective inspection of a business as well, and special inspections are conducted in response to accidents or complaints. In accordance with the Law on Workers' Safety, workers legally may remove themselves from hazardous work if an employer has failed to provide adequate safety measures for the job. Generally workers did not exercise this right as it was not effectively enforced, and employees feared retribution by employers. According to a 2009 law, employers are required to insure against civil liability for damage caused to the life or health of an employee in connection with a work injury, occupational disease, or other injury to health caused by the employee's performance on the job. No cases have been reported under this law to date.

The country has bilateral labor migration agreements with Russia and South Korea to increase protections on a range of labor rights for the country's labor migrants.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 100,000. In parliamentary elections in March 2009, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Baldwin Spencer was reelected as prime minister. Security forces reported to civilian authorities.

There were human rights problems in some areas, including excessive use of force by police, poor prison conditions, some limits on press freedom, societal discrimination and violence against women, sexual abuse of children, and discrimination against homosexuality.

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 persons on basis of sexual orientation or gender identity, and allegations of abuse by prison guards.

In response to several incidents during 2009 involving foreign citizens in which police used excessive force and threats of violence, police received training regarding international conventions and consular access, the latter of which reportedly improved.

In 2008 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 officer retired. Although the officer faced criminal charges, he was never prosecuted.

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 295 convicted prisoners as of December 15.

Prison overcrowding was attributed in part to a law that limits 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.

Seven female prisoners were held in a separate section and were not subject to the same overcrowding problems encountered in the men's prison. Seven juvenile prisoners were held with adult inmates.

Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions.

The Government investigated and monitored prison conditions and 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.—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 had approximately 750 officers.

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; the prime minister can call for an independent investigation into an incident as needed.

Arrest Procedures and Treatment While in 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. There were cases in which authorities denied foreign national criminal detainees prompt consular access and delayed notification of detention to the foreign government, although training appeared to improve access and notification. In 2009 some foreign national detainees claimed police used excessive force and threats of violence against them while in detention; the Government investigated these allegations and found no evidence to support them. 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.

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.

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. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion. Politicians in both parties often filed libel cases against members of the other party.

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. The ALP claimed that government-operated ABS TV and Radio did not allow fair access to the opposition.

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. There were 75 Internet users per 100 inhabitants, according to Internet World Statistics.

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.—For a complete description of religious freedom, see the 2010 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 the Government did not use it in practice.

Protection of Refugees.—The Government has not established a system for providing protection to refugees. The Government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

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 March 2009 elections the then opposition UPP won nine of 17 seats in the House of Representatives and 50 percent of the popular vote. Members of the Organization of American States observer group reported that the elections were generally free and fair. After the opposition ALP challenged the results of election, the Court of Appeal upheld the decision despite some technical problems in the election process.

Political parties could operate freely without restriction or outside interference.

There were two women in the 19-seat House of Representatives and five 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.

Section 4. Official Corruption and Government 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 political parties frequently accused the other of corruption, but investigations yielded little or no results.

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 commission responded to isolated reports of corruption, administered the act, and received the required disclosure reports.

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

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

The Government cooperated with international organizations and consulted regularly with UN representatives.

There is an ombudsman, an independent authority appointed by the prime minister, to deal with complaints regarding police and other government officials. However, the office lacked the resources to provide effective oversight for the entire government and did not produce regular reports.

Section 6. 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. It was a pervasive problem, with multiple rapes reported every month. The Directorate of Gender Af-

fairs, part of the Ministry of Labor, Public Administration, and Empowerment, established and publicized a crisis hotline for victims and witnesses to sexual assault, and managed a sexual assault center that coordinates responses to sexual assault. When rape cases are reported to the police, a female police officer accompanies the victim for both questioning and medical examinations at the center. 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 use of a one-way mirror. There were nine rape cases and 37 cases of unlawful sexual intercourse reported, of which four rape cases and 30 unlawful sexual intercourse cases led to prosecution during the year. In situations where the victim did not know her assailant, the cases rarely came to trial.

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.

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 approximately 20 cases were formally reported during the year; the small number was believed to result from concerns about retaliation.

Reproductive rights of women were protected. Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and had the information to do so free from discrimination, coercion, and violence. There was adequate access to contraception. Most pregnant women had at least one antenatal care visit, and most women gave birth in hospitals. A 2008 UNICEF report indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 53 percent. Incidence of maternal mortality was not available. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

Women in society enjoy the same rights as men under the law. However, 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. Despite these limitations, women were well represented in the private and public sectors. There was no legislation requiring equal pay for equal work, but women faced no restrictions involving ownership of property. The Directorate of Gender Affairs is charged with promoting the rights of women.

Children.—Citizenship is acquired by birth in the country, and all children were registered at birth. Children born to citizen parents abroad can be registered by either of their parents.

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.

Statutory rape is illegal; the minimum age for consensual sex is 14. Despite a maximum penalty of 10 years to life, authorities brought charges against few offenders, and those convicted did not serve long jail terms due to lack of witness cooperation. Child pornography is illegal and subject to fines of up to EC\$250,000 (\$92,500) and 10 years in prison.

The Government is not a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 15 years in prison.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations. Some LGBT persons claimed that being openly LGBT would result in discrimination and possible violence. However, there were no reports of actual violence or discrimination based on sexual orientation.

Other Societal Violence or Discrimination.—Rastafarians complained of discrimination, especially in hiring and in schools, but the Government took no specific action to address such complaints.

Some LGBT persons claimed that homophobia impairs the willingness of HIV-positive persons to obtain treatment; however, 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 7. 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. Unions were free to conduct their activities without government interference. Labor unions formed an important part of the base of both political parties.

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 court mediation, strikes are prohibited under penalty of imprisonment. Because of the delays caused by mediation and required notice periods, unions often resolved labor disputes before calling a strike. The Industrial Relations Court may issue an injunction against a legal strike when the national interest is threatened or affected.

Labor law prohibits retaliation against strikers, and the Government effectively enforced this prohibition.

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.

There were no special laws or exemptions from regular labor laws in export processing zones (EPZs). There was one inactive EPZ, with no workers.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children. For more information, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 child labor.

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 helped set the minimum wage. 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. Cristina Fernandez de Kirchner won the presidency in October 2007 in multiparty elections that media and various nongovernmental organizations (NGOs) described as generally free and fair. Security forces reported to civilian authorities, but occasionally acted independently of civilian control.

The following human rights problems were reported: killings and use of excessive force by police or security forces; police abuse and alleged torture of criminal suspects and prison guard brutality toward prisoners; overcrowded and substandard prison and jail conditions; occasional arbitrary arrest and detention; prolonged pre-trial detention; continued concerns about judicial efficiency and independence; official corruption; domestic violence against women; child abuse; trafficking in persons for sexual and labor exploitation, primarily within the country; 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 of deaths as a result of police using unwarranted or excessive force.

A November report by the NGO Coordinator Against Police Repression claimed that security forces using excessive force killed 219 persons between mid-November 2009 and mid-November of this year. The Center for Legal and Social Studies (CELS) reported a 12 percent increase in deaths as a result of police using unwarranted or excessive force from June 2008 to June 2009.

On June 17, police officer Sergio Colombil reportedly shot and killed 15-year-old Diego Alexandre Bonefoi in Bariloche. Police claimed Bonefoi was attempting to escape from an armed robbery. A provincial court charged Colombil with homicide qualified by abuse of his authority as a police officer. On December 23, a Bariloche criminal court judge announced the case would go to trial. Colombi remained in pre-trial detention at year's end. At a march to protest Bonefoi's death hours after the shooting, police shot and killed teenagers Nicolas Carrasco and Sergio Cardenas. An investigation into the killings continued at year's end.

On August 12, a trial began in the case of an off-duty police officer who killed a 26-year-old man at a nightclub in Zarate in July 2009. On September 7, the First Oral Tribunal of Zarate sentenced the officer to life imprisonment for homicide.

Officers Daniel Alberto Fernandez and Jorge Alberto Conde, who reportedly shot 15-year-old Juan Carlos Quiroz in Pergamino in October 2009, were arrested during the year according to a report by CELS. Fernandez was charged with homicide qualified by abuse of authority, and Conde was charged as a participant in the crime. Both remained in pretrial detention at year's end.

On December 21, a trial began in the case of Sergeant Sergio Borgino, charged with the 2009 killing of a 16-year-old boy in Mendoza Province. The trial continued at year's end.

There was no prosecution or investigation in the case against two police officers allegedly involved in the 2008 killing of Sergio Enciso in Buenos Aires Province.

On April 30, a criminal court in La Plata sentenced ex-sergeant Santiago Regalia to life imprisonment for the 2007 killing a 17-year-old who was handcuffed in a patrol car.

On August 25, a criminal court annulled the 2009 acquittal of five police officers and the police chief of Ramos Mejia in Buenos Aires Province, who were charged with the 2008 murder of Gaston Duffau. The court called for the officers to be retried.

The investigation regarding the 1991 police killing of Walter Bulacio continued as recommended by the Inter-American Court on Human Rights. On September 20, CELS requested that the Council of Magistrates initiate a suit against Alicia Lemini, the judge in charge of the Bulacio case, for "favoring impunity" in the investigation.

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

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship, a focus of the Government's human rights policy. CELS estimated that there

were 284 ongoing judicial investigations and 726 persons charged for crimes against humanity committed during the military dictatorship. Of those charged, 422 remained in pretrial detention. According to the Supreme Court's Office for Follow-up on Crimes Against Humanity, during the year the courts convicted 98 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. An additional 70 cases were pending at year's end. High-profile cases included:

On April 13, the Federal Court of Santa Fe sentenced former military intelligence officer Horacio Americo Barcos to 11 years in prison for illegal deprivation of freedom and torture in two cases. This conviction combined with an earlier punishment for extortion increased Barcos' total sentence to 15 years' imprisonment.

On April 21, a federal criminal court convicted and sentenced former president and general Reynaldo Benito Antonio Bignone to 25 years in prison for crimes committed during the military regime. Bignone, along with five other military officers, was convicted on 56 counts of kidnapping and torture at Campo de Mayo, one of the country's largest clandestine detention centers during the military dictatorship.

On June 3, a trial for 10 former military officers involved in the "Margarita Belen Massacre" began at the Federal Court of Resistencia. The officers were accused of torturing and killing more than 20 political prisoners on December 13, 1976, in the province of Chaco. The trial continued at year's end.

On July 2, a trial began in Cordoba against ex-president Jorge Rafael Videla. Videla, former military general Luciano Benjamin Menendez, and 29 other defendants were charged for the murder of 31 political prisoners between April and October of 1976. In the trial, Videla declared that he accepted responsibility as the highest military authority during the dictatorship, and subordinates followed his orders. On July 8, Menendez was sentenced to life imprisonment for illegal deprivation of freedom, aggravated torture, and homicide. On December 22, Videla was sentenced to life imprisonment for the torture and murder of the 31 prisoners.

There were no developments in the investigation of Ernesto Barreiro, who remained in pretrial detention for human rights abuses he allegedly committed while serving as army officer and chief interrogator at the La Perla clandestine torture center during the military dictatorship.

There were no developments in the trial of former police officers Fernando Esvedes and Carlos Vercellone, arrested in 2008 for their alleged role in political kidnappings and torture in the clandestine detention center Pozo de Arana during the military dictatorship.

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, 102 of an estimated 500 persons born to detained and disappeared dissidents and illegally adopted had been identified and made aware of their backgrounds, according to the NGO Abuelas de Plaza de Mayo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide. However, CELS, The National Public Prosecutor, Amnesty International (AI), the Buenos Aires Provincial Memory Commission's Committee against Torture, and the Inter-American Commission on Human Rights (IACHR) rapporteur on the rights of persons deprived of liberty, reported that some police and prison guards continued to employ torture and brutality.

CELS and the National Public Prosecutor reported police brutality and occasional alleged torture of suspects, particularly during prison transfers. While the Government investigated such reports, there were few convictions.

A Neuquen court announced on May 4 that it would hear a case against 27 correctional service officers for alleged torture committed against 45 detainees at detention facilities in the province in 2004. On May 27, the court sentenced six officers to three to four years in prison for "severe brutality and humiliation," declaring that the case lacked the specific conditions to qualify as torture. The court acquitted the remaining 21 officers.

According to a June report of the Buenos Aires Provincial Memory Commission's Committee against Torture, an autonomous office established by the provincial government, practices such as beatings, the use of a cattle prod, cold water showers, and forced isolations within Buenos Aires prisons were common.

In June the IACHR rapporteur on the rights of persons deprived of liberty expressed "deep concern" about detention center conditions. The rapporteur reported that from February to June, there were 241 cases involving alleged torture and other cruel, inhumane, or degrading treatment, of which 115 cases were formally reported to authorities.

Prison and Detention Center Conditions.—Prison conditions often were poor. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent degrading treatment, according to various reports by human rights organizations and research centers. The number of prisoners in Buenos Aires provincial penitentiaries exceeded facility capacity by an estimated 66 percent. A UN Human Rights Committee report released in March commented on the frequent use of torture and cruel or degrading treatment in police stations and prisons.

A report by the Center for Studies in Criminal Policy and Human Rights (CEPOC), an NGO that promotes public policies that respect prisoners' rights, estimated that there were 80 prison deaths in 2009. Of these deaths, 37 percent were by hanging while others were attributed to fights, general injuries, and diseases. CEPOC indicated the majority of suicides were linked to poor prison conditions.

In November 2009 the Supreme Court of Justice ordered Mendoza Province to improve the Boulogne Sur Mer prison facilities, giving the province 60 days to develop a working plan. In February a group of human rights lawyers from Mendoza appealed to the Inter-American Court of Human Rights on behalf of prisoners, claiming that the Government of Mendoza failed to develop such a plan.

While women were held separately from men, the law permits children to stay in prison with their mothers until age four. According to the Federal Penitentiary Service, 50 children under the age of four lived with their mothers in federal prisons as of August. CELS reported that 91 children remained with their mothers in Buenos Aires provincial prisons as of July. There were 789 women in federal prisons as of December. Women constituted 9 percent of the overall prison population, which included 30,000 in the Buenos Aires provincial prisons. In general men's prisons were more violent, dangerous, and crowded than women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. The Buenos Aires Provincial Memory Commission's Committee against Torture estimated overcrowding in Buenos Aires Province juvenile facilities at 30 percent.

According to the NGO United Civil Association for Justice, juvenile detention facilities in Buenos Aires Province were often in a poor state of security, health, and infrastructure. The association reported overcrowded conditions, with inadequate psychological services and understaffing. The Buenos Aires Provincial Memory Commission's Committee Against Torture indicated that approximately 6,500 complaints of human rights violations against juvenile detainees were filed in provincial prisons and juvenile detention facilities in Buenos Aires Province in 2008, the majority of which were pending investigation at year's end. The Provincial Memory Commission's 2010 annual report indicated that there is a grave lack of information published by the Government about juvenile prisons. The commission reported that currently neither the provincial ministry of social development nor the provincial ministry of security has published statistics describing the situation of juvenile detainees. CELS estimated that 53 percent of those in federal prison were awaiting trial. According to 2009 press reports, 85 percent of female pretrial detainees and 76 percent of male pretrial detainees were held in locations with convicted prisoners.

In October an appeals court in La Plata acquitted 15 prison guards accused of abandoning prisoners in a 2005 fire that killed 33 prisoners. However, on December 10, the Buenos Aires Provincial Memory Commission announced it would appeal the decision. The Provincial Prison Director, Carlos Tejeda, remained under investigation for manslaughter at year's end.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions.

The IAHCR rapporteur reported examples of authorities unwilling to investigate cases and reprimand officials found of wrongdoing and document the results of such investigations in a publicly accessible manner.

The Government permitted independent prison visits by local and international human rights observers, and such visits took place during the year. The Government investigated and monitored prison and detention center conditions. The National Public Prosecutor's Office, which serves as an ombudsman on behalf of prisoners and detainees, was established as an autonomous governmental institution when congress ratified the Optional Protocol to the UN Convention Against Torture in 2004.

The IACHR rapporteur reported government efforts to improve prison conditions in the province of Buenos Aires. Provincial authorities informed the rapporteur about a program to build 23 departmental detention centers with a new system for provisional detention, and the provincial government inaugurated the first center

built under the program on December 13. The provincial government also operated a group home program for prisoners in order to deal with the issue of overcrowding, with 12 houses for 108 prisoners in use as of May, according to press reports.

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, and the City of Buenos Aires formed its own metropolitan police force in 2008. Individual forces varied considerably in their effectiveness and respect for human rights.

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. 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 Government established a new Ministry of Security in December, in part to address police abuse and corruption.

According to the Ombudsman's Office of the City of Buenos Aires, complaints of police misconduct increased since 2008. The Ombudsman Office's report, issued in December 2009, analyzed 20 cases involving the federal police and warned of a tendency toward excessive or disproportionate use of force, often applied against persons from vulnerable social sectors. The Ombudsman's Office concluded that such cases failed to comply with international standards of human rights and constituted crimes worthy of investigation by criminal courts. According to a follow-up report the Ombudsman's Office released on September 23, excessive use of force by federal police continued to be a grave problem during the year, and the Government took no significant actions to address it.

Arrest Procedures and Treatment While in Detention.—Persons generally were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official; however, 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 occasionally arrested persons arbitrarily and 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 lower criminal court judge, who determines whether to proceed with an investigation. There were some 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. In April the City of Buenos Aires passed a law reducing the possibility of bail for crimes in which firearms were involved and for crimes committed by minors. Although the bail system was used, civil rights groups claimed that the new law encouraged judges to order the holding of indicted suspects in preventive or pretrial detention instead of allowing suspects to remain free pending their trial, putting extra stress on already-overcrowded prisons.

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. According to the Provincial Memory Commission's Committee against Torture, 95 to 97 percent of pretrial detainees in Buenos Aires Province cannot afford a lawyer. Detainees 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. A convicted prisoner usually received credit for time already served.

CELS indicated that nearly 74 percent of detainees in Buenos Aires Province were in pretrial detention. According to several human rights organizations, 30 percent of pretrial detainees were eventually acquitted.

During the year there were occasional reports of arbitrary arrests for expressing views critical of the Government. According to press reports, Guillermo Gonzalez del Castillo, a journalist from Corrientes, was beaten while detained following a minor altercation in April, two years after he had criticized the former governor of Corrientes for alleged embezzlement of government advertising funds.

In April 2009 a witness to the burning of a prison in Santiago del Estero was detained without court order and did not receive notification of a trial. A local court rejected his release without having formalized his detention. While in prison, he was reportedly beaten by prison guards and raped by another prisoner since being incarcerated.

e. Denial of Fair Public Trial.—The law provides for the right to a fair trial, and the judiciary generally enforced this right. However, judicial scholars continued to report inefficiencies and delays in the judicial system. Additionally, there were complaints that judges were at times subject to political manipulation.

The Study Forum on the Administration of Justice and the Association for Civil Rights expressed concern for an increasing number of public clashes between the Supreme Court and the executive branch. On several occasions, the forum asserted that the executive failed to take actions prescribed by certain rulings, high-level officials exerted public pressure on judges, and the executive branch imposed budgetary restrictions upon the court. For example, the federal government refused to enforce a Supreme Court order to restore a previously dismissed official to his position. In October NGOs Poder Ciudadano and the Center for the Implementation of Public Policies for Equity and Growth sent a letter to the UN Human Rights Committee's special rapporteur on magistrate and lawyer independence to express concern over the situation. Other analysts commented that the Supreme Court exerted its independence over the executive branch in these conflicts.

The judicial system was hampered by delays, procedural logjams, changes of judges, inadequate administrative support, and general inefficiency. 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 in federal courts located in the provinces were more frequent than in federal courts with jurisdiction over the city and province of Buenos Aires, which reflected strong connections between the executive and judicial branches at the provincial level.

The country continued to lack a sufficient number of judges. As of September, 208 federal judgeships (approximately 20 percent of the total) were vacant. Candidates for 113 of those positions had been nominated by the Council of Magistrates and awaited executive approval. Approximately 50 judgeships were held by justice officials acting as temporary judges, a mechanism ruled unconstitutional by the Supreme Court in 2007.

Trial Procedures.—Trials are public, and defendants have the right to legal counsel and to call defense witnesses in federal courts and some provincial courts that have an accusatory system of criminal justice. Defendants enjoy a presumption of innocence and have the right to appeal. 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. Although defendants and their attorneys have access to government-held evidence, in practice they sometimes experienced obstacles or delays in obtaining such evidence. Lengthy delays in trials occurred nationwide, with many cases taking five or more years to resolve.

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.

The human rights organization, Fundacion Sur, observed that the juvenile justice system does not provide adolescents due process protections equal to the rights extended to adult defendants in criminal trials. In addition this organization expressed concern that the broad discretion judges have in such cases increased the possibility of arbitrary rulings. Fundacion Sur asserted that 16- and 17-year-old offenders frequently were transferred to adult criminal courts or held in juvenile detention facilities for longer periods than warranted by their offenses.

An unofficially organized juvenile justice system operated in eight of 18 districts in Buenos Aires City. It provides minors between the ages of 16 and 18 with the same procedural rights as adults and limits sentences to 180 days in prison.

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. Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution. Administrative and judicial remedies are available for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, there were press reports and judicial investigations of electronic eavesdropping, possibly perpetrated by government agents without due authorization.

Opposition leaders, journalists, and judges continued to allege that the Kirchner administration used the intelligence community to wiretap private conversations. In July the opposition in congress initiated an investigation into these claims through the Joint Intelligence and Security Agency Oversight Committee.

Allegations of wiretapping extended beyond the federal level of government. Ciro James, a former federal police officer with alleged links to the Government of Buenos Aires City, who had been arrested and indicted for illegally wiretapping numerous individuals, was released from pretrial detention on December 23 and remained free at year's end. As a consequence of the highly politicized scandal, federal prosecutors also initiated a case against Buenos Aires Mayor Mauricio Macri. The case and investigation led by a special committee in the city legislature continued 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 of the press, and the Government generally respected these rights in practice.

The independent media were numerous and active, expressing a wide variety of views.

Most media outlets were owned by large, private holding companies that had a wide range of outside business interests and political connections that influenced the content of reporting. Observers noted that some media conglomerates used media as a tool to generate criticism of government policies, while certain progovernment outlets consistently ran stories supporting the Government's critical line against specific media organizations and individuals.

On March 20, the Inter American Press Association released a report asserting that the Government conducted "campaigns against the right to inform" and attempted to "damage the credibility of the media." Less than a month later, the Association of Press Institutions of Argentina issued a statement warning that the press was "facing one of its worst moments in history, as a result of the high level of intolerance to information and dissident opinion."

During the year critics noted that the Government sought to silence dissenting opinions in the media through various actions. NGOs Poder Ciudadano and the Association for Civil Rights asserted that state advertising was used as a tool to support progovernment media and undermine reporting critical of the Government. In addition the Government's decree enacting the 2009 media law reduced the number of broadcast licenses an individual or company can hold from 24 to 10 and barred cable providers from owning open-air television channels. The media law set a one-year deadline for private companies to comply with its regulations. Clarin Group, the country's largest media conglomerate, filed a lawsuit challenging the constitutionality of the one-year deadline, and on October 5 the Supreme Court upheld a lower court's temporary suspension of it.

The Government also introduced a resolution to reorganize cable television channel grids as of October 1 and to regulate content in prime time television. Cable companies legally challenged the resolution, arguing the changes would negatively affect their businesses and favor progovernment news channels. Two court rulings suspended the Government's resolution on the grounds that it would "harm freedom of expression."

On March 27, the car of Adela Gomez, a journalist who had investigated allegations of corruption in the local government in the province of Santa Cruz, was set on fire. Gomez declared she would leave her profession and accused government supporters of trying to silence her investigations with the attack.

On April 29, the Mothers of the Plaza de Mayo, an NGO with a public television program on the Government-financed channel Canal 7, carried out mock trials

known as “ethics trials” against seven journalists and five publishers who allegedly failed to report human rights violations during the former military dictatorship. The head of the Chamber of Deputies Press Freedom Committee, in collaboration with opposition lawmakers, submitted a report to the Special Rapporteur for Freedom of Expression of the Inter American Human Rights Commission denouncing the “ethics trials.”

On August 24, in a televised national address President Fernandez de Kirchner accused private shareholders of Papel Prensa, the only active manufacturer of newsprint in the country, of having made an “illegal pact” to favor newspapers Clarin, La Nacion, and La Razon with discretionary prices that hindered their competitors. Clarin had an approximately 50 percent stake in Papel Prensa, while La Nacion and the Government each owned 25 percent of the company. During the address, President Fernandez de Kirchner declared that the production and distribution of newsprint paper should be a “matter of public interest” under governmental supervision. The Inter American Press Association and some opposition congressmen criticized the declaration as a violation of the national constitution.

The Government formally requested the judiciary to investigate the directors and former directors of Clarin, La Nacion, and La Razon for their involvement in alleged human rights abuses and irregularities in the sale of Papel Prensa in 1976-77. The Government’s petition asserted that Clarin Group chief executive officer, Hector Magnetto, and the group’s main shareholder, Ernestina Herrera de Noble, as well as former owners of La Nacion and La Razon, colluded with the 1976-83 military dictatorship and pressured Papel Prensa’s owners, the Graiver family, to sell their shares in the company under duress from the 1976-83 military dictatorship. The Government claimed that such alleged actions represented human rights violations against the Graivers and therefore invalidated the sale of the stock.

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 30 percent of the population used the Internet.

Consumer protection advocates expressed concerns over a government resolution ordering one of the country’s leading Internet providers to halt operations. On August 20, the Ministry of Planning ordered Fibertel, an Internet provider owned by the Clarin Group, to halt operations within 90 days because its license had expired. The Government announced that Fibertel’s approximately one million users should transfer to other providers and should be allowed to do so free of charge.

On September 24, the Court of Civil and Commercial Affairs in the city of La Plata ordered the Government to refrain from implementing the Ministry of Planning’s ordered shut-down of Fibertel on the grounds that it would violate rights established by the national constitution. In late December the Federal Appeals Court of La Plata overturned the decision and ruled in favor of the Government, while in a separate case on the same issue a federal judge in the Cordoba District ruled in favor of Fibertel. Despite the conflicting rulings, Fibertel held the right to appeal to the Supreme Court, barring the Government from enforcing the shut-down and continued to operate at year’s end.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 employ it.

Protection of Refugees.—The laws provide for the granting of refugee status, and the Government has established a system for providing protection to refugees.

The National Committee for Refugees (CONARE), an interministerial body under the Ministry of the Interior, held regular sessions to study requests and make decisions. During the first nine months of the year, 562 persons sought asylum, and the

National Committee for Refugees granted refugee status to 30 persons. Colombians and Africans constituted the majority of the resettlements, with a lesser number from Asia.

In May the Government passed legislation to implement the National Migration Law. It provides full recognition of migrants' rights.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in particular social group, or political opinion.

In late September CONARE granted refugee status to Galvarino Sergio Apablaza Guerra, a former Chilean guerrilla leader and spouse of an Argentinian government official for whom a Chilean extradition request was pending in connection with the 1991 killing of Chilean Senator Jaime Guzman Errazuriz and the kidnapping of Christian Edwards. Chilean President Sebastian Pinera criticized the decision, as did many local and international observers.

The law allows the Government to provide temporary protection for humanitarian reasons, including family reunification, to individuals who may not qualify as refugees and provided it to approximately 12 persons during the year. Legislation implemented by executive decree in May provides for temporary protection for humanitarian reasons to victims of trafficking in persons and victims of natural catastrophes.

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 October 2007 Cristina Fernandez de Kirchner of the Front for Victory Party won the presidency in elections described by media and various NGOs as free and fair. In legislative elections in 2009, voters elected one-half of the members of the chamber of deputies representing all 24 provinces and one-third of those in the senate representing eight provinces. Local observers considered these elections generally free and fair.

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 26 women in the 72-seat senate and 99 women in the 257-seat chamber of deputies. The president, two of the seven Supreme Court justices, and three 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.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, there were frequent press reports that executive, legislative, and judicial officials engaged in corrupt practices, suggesting a failure to implement the law effectively.

According to the World Bank's worldwide governance indicators, corruption was a serious problem. Weak institutions and an often ineffective and politicized judicial system made eliminating corruption in any systemic fashion difficult.

Cases of corruption were reported in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution. Internal controls to counter police abuses were weak.

According to La Nacion newspaper, federal security forces opened new investigations into police officials on a daily basis for suspected participation in "serious administrative infractions" during the year. These infractions included exploiting their position of authority for financial gain.

La Nacion reported that in 2008-09, authorities investigated 13,619 police for acts of corruption, violence, or irregularities in job performance in Buenos Aires Province, representing approximately 25 percent of the provincial police force and a 75 percent increase in investigations from 2006-07. Of those investigated, 872 were relieved of duty and 1,779 were reassigned to different positions. Between January and December, approximately 300 officers were relieved of duty for acts of corruption, violence, or irregularities in job performance.

Public officials are subject to financial disclosure laws, and the Ministry of Justice's Anti-Corruption Office (ACO) is responsible for analyzing and investigating federal executive branch officials based on their financial disclosure forms. The ACO

is also responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. As part of the executive 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.

The ACO issued a report in August regarding the case of Ricardo Echegaray, the head of the Federal Agency for Tax Collection. The ACO alleged that Echegaray had used his authority as head of the National Office for Agricultural Commercial Oversight to grant subsidies to companies he owned. Opposition members in the chamber of deputies initiated a congressional investigation of Echegaray's actions, which continued at year's end.

During the year evidence of illegal campaign financing emerged from the investigation of an alleged money laundering scheme involving drug distribution companies, according to press reports. Judge Norberto Oyarbide charged President Fernandez de Kirchner's 2007 chief fundraiser and former supervisor of health services, Hector Capaccioli, for his involvement in the operation. On December 22, Capaccioli testified before Judge Oyarbide, denied accusations of wrongdoing, and at year's end awaited the judge's decision whether to continue the trial.

Ricardo Jaime, the former secretary of transportation, was indicted on April 21 on 15 charges of corruption that reportedly occurred during his tenure. He was also indicted on December 3 for allegedly receiving gifts and favors from transportation companies and for questions regarding his annual income. Jaime remained free and the investigation continued at year's end.

On April 20, the country's ambassador to Venezuela from 2002 to 2005, Eduardo Sadous, testified to congress that, while at his post in Caracas, he observed that Argentine companies were allowed to export farm equipment to Venezuela only in exchange for making side payments to officials in the Argentine Planning Ministry. A federal case investigating these allegations continued at year's end.

Several judicial investigations into alleged fraud committed by prosecutors and judges filling vacancies at the federal level continued. Some applicants reportedly negotiated with members of the examining board to receive answers to questions before taking the exam. On August 13, Alberto Pravia, a former member of an examining board, renounced his post as judge facing accusations of fraud during the examination process.

Section 5. 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.

During the year the Government met with representatives of numerous international and nongovernmental human rights groups, including representatives from Human Rights Watch, the UN Human Rights Committee, the International Labor Organization (ILO), and the IACHR to discuss human rights.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations during the year.

The Government has a Human Rights Secretariat. Its main objective is to collaborate with the secretary of justice, security, and human rights to promote policies, plans, and programs for the protection of human rights. During the year it published leaflets and books on a range of human rights topics.

The Government also has a Human Rights Ombudsman's Office. It focuses on the defense and protection of rights, guarantees, and interests granted by the national constitution. The Ombudsman's Office publishes an annual report based on the cases it receives throughout the year.

Section 6. 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 evidentiary requirements, 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.

The Rape Victims' Association reported more than 1,500 rape cases in Buenos Aires City and Buenos Aires Province during the year and clarified that more than 9,000 such cases were reported between 2003 and 2009. Eighty percent of those

cases involved victims under the age of 18, representing an increase of 20 percent from 2009. The NGO noted that these figures did not include rapes reported directly to the municipal, provincial, and national governments. According to the Attorney General's Office, complaints were filed in three out of every 10 cases, and one in three of these cases was prosecuted.

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.

The law enacted in March 2009 to prevent and punish violence against women came into full effect on July 19, when the president signed the regulatory implementing decree. The National Council of Women (NCW) is the implementing body for standards pertaining to the law. Human rights organizations in the country as well as the UN Human Rights Committee criticized the low budget allocated to the NCW. The NCW had a 2010 budget of six million pesos (\$1,495,000), while just one program, a domestic violence telephone hotline in the province of Buenos Aires, required three million pesos (\$747,000) to operate.

Domestic violence against women was a problem. In October 2009 AI reported that a woman died every three days as a result of domestic violence. The civil society organization La Casa del Encuentro reported that 260 women died during the year as a result of domestic or gender-based violence, an increase of 12 percent from 2009 figures. Approximately one third of these cases occurred in Buenos Aires Province. Of these murders, 64 percent involved a husband, boyfriend, or ex-boyfriend; in 27 cases, the woman had filed a complaint against the aggressor for domestic violence. In six cases, the woman had obtained a restraining order.

The Office of Domestic Violence provided protection and resources to victims of domestic violence 24 hours a day, seven days a week. During the year the office hired additional staff members to handle the approximately 600 cases of domestic violence it received each month. An estimated 80 percent of adult domestic violence cases received by the office involved violence against women. The office also carried out risk assessments necessary to obtain a restraining order, a service it completed for victims in three days as opposed to three or four months before the office opened. Between February 2009 and August 2010, 2,080 women received free legal assistance through the office. During the year ending September, 12,762 persons had cases filed against them for acts of domestic violence.

Family and civil courts in Buenos Aires Province, in compliance with a provincial Supreme Court order, created hotlines 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.

The Ministry of Justice continued to operate mobile units to assist victims of sexual and domestic violence in Buenos Aires City. A free hotline servicing the city offered consultations and received complaints.

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.

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions, such as Buenos Aires City, 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.

Couples and individuals generally had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. The UN Population Fund reported in 2008 the maternal mortality rate at 70 deaths for every 100,000 live births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections. In May the National Health Ministry created a national free hotline to answer questions about where to find reproductive health care services and register complaints.

In August Human Rights Watch released a report documenting the obstacles women and girls faced in obtaining access to reproductive health care services such as contraception and voluntary sterilization procedures. The most common barriers to care were long delays in providing services, unnecessary referrals to other clinics,

demands for spousal permission contrary to law, and, in some cases, denial of care. The report also identified a lack of oversight and accountability for carrying out existing laws regarding reproductive rights. The Population Reference Bureau recorded modern contraceptive use of 64 percent among married women.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately high number of lower-paying jobs. According to a study released by the Center for Women and Labor Studies in Argentina, women earned on average 24 percent less than men in similar positions. The report emphasized that, despite the country's overall economic growth, gender gaps persisted in the workplace.

The Office of Women was established by the Supreme Court in 2009 with the aim of training judges, secretaries, and clerks to deal with cases related to women. Its key function is to sensitize judicial actors to domestic violence, victims of abuse, trafficking in persons, and other women's issues. The office also seeks to ensure equal access for women to positions in the court system. In September the office carried out its first training workshop for 120 provincial Supreme Court actors.

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.—The country provided universal birth registration, and citizenship was derived both by birth within the country's territory and from one's parents.

Parents have 40 days within which to register births, and the state has an additional 20 days to do so. A February 2009 decree permits the Ministry of Interior to issue birth certificates to children under age 12 whose births have not been previously registered.

Child abuse was not uncommon; for example, a University of Buenos Aires study released in April found that 9 percent of university students in Buenos Aires claimed to have suffered some form of sexual abuse before the age of 19. The survey investigated child abuse among a sample of 2,750 persons.

According to media sources, approximately 5,000 children are recruited every year for pornography and sex tourism. The minimum age of consensual sex is 18. There is a statutory rape law with penalties ranging from three to 15 years in prison, depending on the age of the victim. Additionally, regardless of age, if a judge finds evidence of deception, violence, threats, abuse of authority, or any other form of intimidation or coercion, the minimum sentence increases to 10 years.

The law prohibits the production and distribution of child pornography with penalties ranging from six months to four years in prison. While the law does not prohibit the possession of child pornography by individuals for personal use, it provides penalties ranging from four months to two years in prison for possession with the intent to distribute child pornography. Additionally, the law provides penalties ranging from one month to three years of imprisonment for facilitating access to pornographic shows or materials to minors under the age of 14. During the year prosecutors and police pursued cases of Internet child pornography. On November 25, federal police arrested a 31-year-old man accused of filming and distributing child pornography through an international network. According to press reports, during a search of the man's house, police found approximately 90 hours of pornographic footage and 26,000 photos of children ages six to nine years old. The man remained in pretrial detention at year's end.

Several cases of child sexual abuse were reported during the year. In May the Oral Court of San Martin sentenced nine persons to prison sentences ranging from 25 to 42 years for sexual abuse of a 16-year-old. In July a court sentenced a man to seven and a half years in prison for sexual abuse of an 11-year-old girl.

On September 14, a criminal appeals court in the province of Buenos Aires confirmed the sentence of priest Julio Cesar Grassi to 15 years in prison for two aggravated charges of sexual abuse of minors. On September 21, the Oral Court of Moron refused the request of prosecutors that Grassi be detained, claiming that the possibility of appeal remained. Grassi remained free at year's end.

According to credible local press reports, dozens of child victims of violence from poor families were lodged in juvenile detention facilities under judicial protection orders. City government observers continued to be barred from visiting the centers.

The National Council for Children, Adolescents, and the Family continued to conduct public awareness campaigns and operated a national hotline, which children used to call for advice, make complaints, and report instances of abuse or other rights violations.

The country is a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on the convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—Sporadic acts of discrimination and vandalism continued against religious minorities, particularly the Jewish community, consisting of 250,000 to 300,000 members. The Delegation of Jewish Argentine Associations (DAIA) received 503 complaints of anti-Semitism during 2009, representing an increase of 60 percent over 2008. DAIA indicated that the spike in anti-Semitic acts was related to conflicts in the Gaza Strip in early 2009.

The most commonly reported incidents were anti-Semitic graffiti, verbal slurs, and the desecration of Jewish cemeteries, including 40 graves at the Jewish cemetery in Misiones in May. A majority of the complaints were filed in Buenos Aires City. DAIA claimed that cases in the provinces were likely underreported.

In February a judge sentenced Juan Carlos Beica, the leader of a minority left-wing party, to a six-month suspended sentence for his role in organizing the January 2009 anti-Israeli demonstrations in Buenos Aires in protest of Israeli military operations in Gaza. The protests, which took place outside the Israeli embassy, AMIA's headquarters, and a hotel owned by a Jewish Argentine businessman and treasurer of the World Jewish Congress, exhibited anti-Semitic imagery. On July 21, a Buenos Aires Appeals Court absolved Beica of the charges and revoked the six-month sentence.

In November an Appeals Court cleared Revolutionary Action Front leader Roberto Martino of charges for an anti-Semitic attack outside the Israeli embassy in 2009. Despite the ruling, Martino remained in pretrial detention at year's end on separate charges, which provoked some left-wing groups supporting Martino to block main transit routes in downtown Buenos Aires to protest his detention.

The investigation into the 1994 bombing of the AMIA building in Buenos Aires that killed 85 persons continued. With Interpol assistance, the federal prosecutor investigating the case continued to seek the arrest of eight Iranians for their alleged involvement in the bombing. In March AMIA case prosecutor Alberto Nisman met with Iranian officials at Interpol's headquarters. The Iranians rejected a proposal for a third state to provide for a fair trial. In September President Fernandez de Kirchner advocated the third-state proposal during her address to the UN General Assembly, but the Government of Iran again rejected the proposal in a September 28 letter to the UN.

In March a federal appeals court confirmed the 2009 decision to prosecute former president Carlos Menem, former secretary of intelligence Hugo Anzorreguy, and former federal judge Juan Jose Galeano for their alleged role in the bombing "cover-up." In August a federal judge publicly urged prosecutor Nisman to speed up the investigation regarding Carlos Telledin to bring the case to oral trial. The investigation continued at year's end.

The Government continued to support public dialogue to highlight past discrimination and to encourage religious tolerance, including the celebration of Freedom of Religion Day. In October the Ministry of Education and the Ministry of Tourism co-sponsored an international colloquium entitled "Two Argentine Centuries of Christian-Judeo-Islamic Multiculturalism." The event included documentaries, exhibitions, and religious community speakers.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. A specific law also mandates access to buildings for persons with disabilities. While the federal government has protective laws, many states have not adopted the laws and have no mechanisms to ensure enforcement. While the Government does not restrict the right of persons with disabilities to vote or participate in civic affairs, access to a voting location is often not possible for those with disabilities, and the required accommodations are often not met. There are accounts of persons with mental health conditions being denied the right to vote by election officials.

On June 1, the Supreme Court declared unconstitutional an article of a law putting certain limits on the right to travel on buses free of charge between home and places of work, assistance, education, or other social integration. The ruling effectively widened access to public transportation for persons with disabilities.

On November 3, congress unanimously passed a law requiring all government entities to respect international Web site design standards, facilitating equal access to

Web information for persons with disabilities. The law gives entities two years to comply with design standards.

On November 25, congress passed the Mental Health Act, which broadens the number of treatment alternatives for persons with mental health conditions. It prohibits the creation of new psychiatric asylums, promotes medical care at general hospitals, and incorporates issues related to addiction into the mental health field. A 2007 CELS report indicated that 25,000 persons were confined to psychiatric asylums and that 80 percent of those persons were confined for more than one year.

An estimated 82 percent of persons with disabilities lacked employment. Due to lengthy procedures for obtaining a certificate of disability, a key document to access services including rehabilitation, only 15 percent of unemployed persons with disabilities received a certificate of disability.

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.

The Government took a number of actions to improve respect for the rights of persons with disabilities. Santa Fe Province passed a law that mandates provincial tax forms in Braille be provided upon request to persons with visual disabilities. Chaco Province established a free hotline offering persons with disabilities information regarding their rights and benefits and general assistance.

The Government responded to civil society requests to improve respect for the rights of persons with disabilities in education. In Neuquen approximately 1,000 students received approval from the Provincial Education Council to leave a special education school and enter the general public school system upon request of their parents. The National University of Cordoba, in response to requests from blind students, digitized 20,000 pages of text in five different fields of study to make them accessible to the visually impaired.

The Government's Secretariat of University Policies signed an agreement in June at the Ministry of Education to finance renovations to make university buildings accessible to persons with disabilities seeking to ensure that the buildings and grounds of all national universities are safe and accessible for all users.

National/Racial/Ethnic Minorities.—Although discrimination against national, racial, and ethnic minorities was generally not a problem, in June the DAIA published a book describing instances of discrimination faced by 16 minorities, including Afro-Argentines, Koreans, Chinese, and other immigrants in 2008-09. The book outlined historical prejudices faced by the various groups; examples of discrimination against them in employment, education, and housing; and modern-day stereotypes, often based on physical appearance.

In October the Government carried out the first census to contain a question recognizing the Afro-Argentine population. INADI underlined the importance of using the data to recognize the importance of the population's cultural and historical contribution to social diversity.

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 civic associations.

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.

Deforestation in Salta Province continued in violation of a 2008 Supreme Court ruling that ordered the Salta governor to suspend clearing of forested areas pending completion of a study on the environmental effect of deforestation on indigenous persons living in the area. On April 22, representatives of indigenous groups met with the chief justice of the Supreme Court to advocate for the enforcement of the 2008 ruling. The representatives also highlighted the lack of national and international laws that protect the land rights of indigenous communities against encroachment by soy farming, logging companies, and other business interests. On September 15, the Supreme Court rejected a request from the indigenous communities to inves-

tigate and verify claims of deforestation in Salta using satellite images of the province.

In July the NGO Human Rights Watch released a report, *Indigenous Peoples in Argentina*, denouncing the “institutionalized discrimination” against the Mapuche people in Neuquen Province. It described repression of the aboriginal community, the criminalization of indigenous protests, and the failure of private companies and the provincial government to comply with laws protecting indigenous rights. The report cited specifically the provincial government’s expropriation of Mapuche lands.

The two former policemen and one landowner charged with an October 2009 killing of an indigenous person were released from pretrial detention, although charges remained pending.

The Lhaka Honhat indigenous association continued to advocate for an IACHR decision on the petition regarding the national government’s failure to implement a titling policy that would return their traditional land.

An April report by AI investigating the situation of the indigenous population of Formosa Province concluded that the indigenous inhabitants had experienced a “systematic violation of human rights” by a state apparatus that “marginalizes and coerces indigenous peoples.” The report alleged violation of constitutional rights and international laws that protect indigenous peoples, as well as institutional abuse and discrimination in violation of Law 26.160, which prohibits forced evictions. AI cited violations of community property rights when the provincial government appropriated land and dug deep canals, which had a negative effect on resources available to the indigenous population.

On November 23, police clashed with protestors from the indigenous Toba group of Formosa, leaving dead an indigenous man and a police officer as well as numerous serious injuries according to press reports. The violence came after protestors barricaded a provincial road for four months to demand the return of claimed ancestral lands, which the provincial government sought to use for a proposed university campus. The Ombudsman’s Office of the Nation, national legislators, indigenous leaders, and AI expressed concern for the role of the provincial government in the clash.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Three provinces still have laws that either criminalize transgender behavior or single out homosexual activity when referring to prostitution; however, INADI reported that these laws were rarely enforced. During the year nine provinces enacted laws to repeal articles criminalizing transgender behavior in prostitution.

During the year INADI received 96 complaints of discrimination on the basis of sexual orientation or gender identity.

Lesbian, gay, bisexual, and transgender organizations operated freely. They worked closely with academic institutions, NGOs, and government authorities without interference.

Numerous gay pride marches occurred throughout the country and received government authorization. Police provided protection to participants.

On July 15, Congress passed a law to legalize same-sex marriages. The legislation removes all gender specification from existing marriage laws; permits gay and lesbian couples to marry; grants spouses immigration rights, medical benefits, pensions, and social security; and defines rights of inheritance for such couples by marriage law. Although the right to adopt children jointly is not explicitly granted in the bill, the removal of gender from the framework of marriage means that gay and lesbian parents receive the same treatment as heterosexual parents.

Following the passage of the law, approximately 835 same-sex couples were married as of late December, according to figures provided by the Federation of Gays, Lesbians, Transvestites, and Bisexuals.

In December 2009 the First Criminal Court of Salta sentenced Sergio Alfredo Nunez and Silvio Elias Soria to life imprisonment for their roles in the 2006 killing of transgender activist Pelusa Liendro.

There was no official or overt societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or healthcare.

Other Societal Violence or Discrimination.—There were no known reports of societal violence against persons with HIV/AIDS, but there were occasional reports of discrimination against persons with HIV/AIDS.

There was an increase in reports of violence against the elderly in Buenos Aires City. More than 800 complaints of violence against the elderly were recorded during the first four months of the year.

Section 7. Worker Rights

a. The Right of Association.—The law provides all workers, with the exception of military and law enforcement personnel, the right to form and join “free and democratic labor unions, recognized by inscription in a special register,” and workers exercised this right. An estimated 42 percent of the workforce was organized. Union participation varied among sectors; affiliation was as high as 99 percent of the Electrical Workers Union and 70 percent in the Food Workers Union.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members—including petitioning the Government and employers and adopting direct action measures. However, the law grants official trade union status to only one union deemed “most representative” per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity for their officials, are permitted to directly deduct union dues, and may bargain collectively. The International Labor Organization (ILO) raised concerns with the Government with respect to these provisions of the law.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicts with ILO Convention 87 and prevents these unions from obtaining full legal standing. Despite a 2009 Supreme Court ruling in favor of the CTA and other unions seeking formal legal recognition, which would necessitate changes to current legislation and practice, the legislature had not modified labor legislation and the executive branch had not granted such recognition to the CTA at year’s end. The IACHR continued to review the CTA’s 2004 petition at year’s end. In April the UN Human Rights Committee expressed concern with the Government’s noncompliance with ILO Convention 87 and suggested it take measures to grant the CTA full legal standing.

Unions have the right to strike, and workers exercised this right in practice. However, civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that undefined “minimum services” are rendered. Although “minimum services” have been defined in collective bargaining agreements in some cases, the law does not define “minimum services.” Once the conciliation 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. If “minimum services” have not previously been defined in a collective bargaining agreement, 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’ notice to users about the intended strike. According to the Ministry of Labor, there were 497 labor conflicts that led to strikes in the first half of the year; 756,260 workers participated in the strikes.

b. The Right to Organize and Bargain Collectively.—The law provides trade unions with official status the right to negotiate collective bargaining agreements, including recourse to conciliation and arbitration; this was effectively enforced in practice. The most representative union bargains on behalf of all workers and collective agreements cover both union members and nonmembers in the sector. Unions without official trade union status recognition by the Government (that is, those that are not the “most representative”) in their sector, have made membership gains within the workplace. Some leaders of unions with official status reported that membership gains in unofficial unions impaired their ability to negotiate. The law requires the Ministry of Labor, Employment, and Social Security to ratify collective bargaining agreements, which covered approximately 75 percent of the formally employed workforce. There were no known cases during the year of the Government refusing to approve a collective agreement.

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, there were reports that such practices occurred.

Through December the International Organization for Migration assisted 29 victims and seven minor dependents that had been trafficked from Bolivia, Peru, Colombia, Brazil, and Argentina, nine of whom were exploited in sweatshops. Victims of forced labor also included eight persons working in fruit and vegetable stores, three in domestic services, two in street vending, and seven in other activities. Additionally, on December 30, the Government discovered 130 forced labor victims working in San Pedro for the Nidera agricultural company. The victims were predominantly from the provinces of Santiago del Estero and Tucuman in Argentina and included 30 children.

In April police raided three textile workshops in La Matanza, where they found more than 80 Bolivian citizens working in an overcrowded environment. A police report suggested that the workers were underfed. A federal court was investigating the case for violations for the country's antihuman trafficking law at year's end.

The 2008 case of 30 Bolivians working in exploitative conditions at a poultry farm in Buenos Aires Province had not gone to trial at year's end. Press reports indicated the company had not paid the fine by year's end. The Ministry of Labor was reviewing additional forced labor complaints, including two deaths, lodged against the company at year's end.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—While the law protects children from exploitation in the workplace, child labor persisted. A 2004 government survey revealed that an estimated 450,000 children were working, or 7 percent of children between the ages of five and 13 years old and 20 percent of children over the age of 14.

In May the minimum age for employment was raised to 16 years old. 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 16 and 18 years old 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 (\$269 to \$1,344) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

In rural areas, children worked in family and third-party farms producing such goods as blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Children working in the agriculture sector often handled pesticides without proper protection. In urban areas, some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. According to government sources, some children worked in the manufacturing sector producing such goods as bricks, matches, fireworks, and garments. Children were also found working in the mining, fishing, and construction sectors.

The National Commission for the Eradication of Child Labor (CONAETI) continued to conduct seminars with the 22 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 continued providing 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. CONAETI also trained members of the Network of Businesses against Child Labor and developed "Harvest Gardens" which provided seven daycare centers for children in tobacco-producing zones.

In 2009 the Government extended its Heads of Household initiative, a cash transfer and employment training program, to workers in the informal economy. The program targets vulnerable and unemployed populations with at least one child under the age of 18 by improving employability, reducing dependence on income from children's work, and providing scholarships. The Government provided scholarships to 13,684 children and incorporated 653 adults into the Heads of Household program during the year. Also, as part of the implementation of the National Plan for the Prevention and Eradication of Child Labor, CONAETI implemented awareness raising activities such as a national campaign against forced child labor as part of the ILO's World Day Against Child Labor; identified and strengthened direct action programs to prevent and combat child labor; and conducted trainings for health professionals on child labor.

e. Acceptable Conditions of Work.—The Government increased the monthly minimum wage in September to 1,740 pesos (\$435). This exceeded the amount of 1,252 (\$315) a month that the National Census and Statistics Institute (INDEC) estimated was 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. Generally speaking, the minimum wage served to mark the minimum pay an informal worker should get, although formal workers' pay was usually higher. In July La Nación reported that, according to INDEC, wages of workers in the informal sector grew at a faster rate than workers in the formal sector. The Ministry of Labor, which is responsible for enforcing legislation related to working conditions, continued inspections to get companies to register their informal workers. 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 insure their employees against accidents at the workplace and when traveling to and from work. The law requires that employers either provide insurance through a Labor Risk Insurance (ART) entity or provide its own insurance to employees to meet specified requirements set forth by the national insurance regulator.

The Superintendence of Labor Risks serves as the enforcement agency to monitor compliance of health and safety laws and the activities of the Labor Risk Insurance companies. 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 was typically very lengthy.

BAHAMAS, THE

The Commonwealth of The Bahamas is a constitutional, parliamentary democracy with a population of approximately 354,000, 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. Security forces reported to civilian authorities.

Human rights problems reported included complaints of abuse by police and prison and detention center guards; poor detention conditions; a poorly functioning 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, police fatally shot individuals in the performance of their duties. Police investigated such incidents and referred them to a coroner's court when necessary for further evaluation. The public expressed concerns about escalation of force after several fatal shootings during the year.

The May 4 fatal police shooting of Ricardo Knowles, who escaped from police custody, was before the coroner's court at year's end.

An investigation determined that a 13-year-old boy who died in police custody in July died of natural causes. His family claimed he was choked to death.

A patrol officer fatally shot a man on Bay Street in September after a verbal altercation allegedly resulted in the man brandishing a box cutter. Onlookers told the press that the man asked to be left alone and was walking away from the scene when the officer followed him and a scuffle ensued. Police launched an investigation into the shooting.

On November 20, police fatally shot a young man in Bain Town after he was stopped and questioned about an illegal firearm. The police commissioner told the press an investigation into the matter had been launched and an autopsy scheduled.

In March 2009 police shot a Nassau man in disputed circumstances. The victim later died, and the case was before the court at year's end.

The May 2009 case in which a 15-year-old boy allegedly hanged himself in a holding cell while in police custody was ruled a suicide, although family members alleged that the hanging was a cover-up for a beating by police.

The coroner's court received the case of the 2007 fatal shooting by police of two armed men who failed to stop when fleeing the scene of a crime. An investigation continued into another 2007 incident involving an individual killed by police at Rand Memorial Hospital on Grand Bahama.

Authorities brought manslaughter charges against two officers in connection with the 2007 fatal beating of a suspect, Desmond Key. The case was before a magistrate's court at year's end.

At year's end a magistrate's court was hearing the case against the police officer who fatally shot a man on Bimini Island in 2007.

The coroner's court faced a heavy backlog of more than 129 cases, including 10 police shootings.

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.

A government investigation was under way into a complaint filed by Deborah Bostfield alleging that police beat her son, Jermaine Storr, outside a nightclub in January.

Authorities charged police reservist Craig Hepburn with having unlawful intercourse with a 13-year-old girl in February and forcing her to cohabit with him. The matter was before the courts at year's end.

An investigation was under way into allegations made by Lynette K. Oliver, who claimed she was repeatedly punched in the face and choked by police on April 25.

In June a police reservist was convicted of sexually assaulting a woman during a traffic stop. He remained in custody pending sentencing.

Police were awaiting forensic analysis results in an investigation opened after a woman in Grand Bahama accused police of sexual assault and death threats in September.

In November police arrested Godfrey Hepburn in connection with a robbery. Hepburn's attorney told the magistrate that he was brutalized while in police custody.

An investigation was conducted into allegations made by Barry McPhee Jr., who claimed he was violently beaten and given an electric shock after being arrested for stealing a cell phone in January 2009. The investigation was completed, and the matter was referred to the Police Tribunal.

At year's end the investigation continued in the case of police officer Dwight Williamson, accused of raping a 15-year-old girl at the police station in August 2009.

In December 2009 authorities charged police constable Daniel Paul Smith with raping a 19-year-old girl while on duty, suspended him, and placed him on half-pay. At year's end Smith's case was pending trial.

An investigation continued into allegations that Royal Bahamas Defence Force officers Vaughn Saunders and Kendrick Ferguson beat James Demeritte in November 2009.

Amnesty International reported that Emmanuel McKenzie, chairman of an environmental organization, was harassed and assaulted by police and defense forces during a fundraising event in April 2008. The Government responded to a UN Human Rights Committee request on this matter, denied the allegations of abuse, and stated that McKenzie was the subject of a criminal trial for possession of dangerous drugs with the intent to supply. A government investigation into McKenzie's claims that officers stole his property and abused him concluded that there was insufficient evidence to substantiate his claims.

In February a court acquitted police officer Vaughn Pratt, arrested and accused of having sex with two minors in 2007. In July a court sentenced police reservist Charles Prince to five years in prison for the rape of a teenage girl in 2007.

There were other allegations of police beatings and brutality throughout the year. The Government stated that no official complaints were received in reference to many of these allegations. Victims' families and community activists claimed that many officers had their cases thrown out of court or dropped by the Attorney General's Office. In addition many officers waited years for their court date, only to return to work without having their names cleared.

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 624 of the country's 1,322 prisoners. The remaining prisoners were held in medium- and minimum-security units that were at intended capacity. Male prisoners in the maximum-security unit were crowded into poorly ventilated and poorly lit cells that generally lacked regular running water. During the year authorities installed composting toilets and acquired 100 mattresses for the maximum security unit, expanded access to medical and dental services, and expanded access to technical and vocational services. Despite these upgrades prisoners continued to report sleeping on concrete floors and inadequate access to medical care. A classroom within the maximum-security facility provided educational programs to high-risk offenders who could not attend classes within the correctional training insti-

tute. 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.

Family members of prisoners raised concerns about the lack of potable water at the prison, but the Government insisted there was no shortage of potable water. Four reverse osmosis units were installed at various housing units from which each inmate was able to extract a minimum of one gallon of potable water during exercise time each day, free of charge. In addition bottled water was available for purchase from the inmate commissary.

A remand center held 602 detainees; it has a medical facility and exercise yard, as well as a well-equipped health diagnostic unit and a pharmacy. That facility had water treatment units installed and the dental unit renovated and refurbished.

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 128 investigations during the year.

Conditions for female 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 252. Observers complained of continuing abuse by guards, although immigration officials stated 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.

The Government investigated and monitored prison and detention center conditions. A team of community leaders conducted a fact-finding mission during the year, but the results were not made public. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. The Government asserted that there were no requests to submit complaints to judicial authorities during the year. However, officials stated that all credible allegations were investigated.

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 (PCCB), which reports directly to the deputy commissioner, 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. Due to concern that the PCCB lacked independence and that a perceived lack of impartiality discouraged full reporting of complaints, in August a new independent body—the Police Complaints Inspectorate Office—was established on New Providence and Grand Bahama in August to investigate complaints against police. The body was to be staffed by independent members of the public to probe complaints of police corruption and brutality.

The Government reported that no official complaint was made after a police officer was accused of savagely beating his girlfriend in May 2009. The 2009 case of

four police officers charged with armed robbery and extortion was pending trial at year's end. The Government reported that no official complaint was made after authorities arrested two police officers for an unauthorized raid on a bar in November 2009.

There were 233 complaints against police through October, compared with 257 in 2009. Of these cases, the PCCB recommended 23 to the Police Tribunal, informally resolved 19, found 31 to be unsubstantiated, determined that 65 were unfounded, concluded that 57 had insufficient evidence, and discharged 11 officers in other cases. Complainants withdrew 25 cases, and two required no further police action. The overwhelming number of complaints involved allegations of assault, followed by unethical behavior and missing property.

Arrest Procedures and Treatment While in 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. The constitution provides the right for those arrested or detained to retain an attorney at their own expense; volunteer legal aides were sometimes available. Minors under the age of 18 have the right to communicate with a parent or guardian.

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, in view of possible delays in court cases and harsh conditions in the prison.

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 1,332 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. This was recognized as a major problem in the justice system, as criminals accused of serious crimes made bail, while many others were held indefinitely without trial.

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.

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 bail system, but individuals who could not post bail were held on remand indefinitely. Defendants can elect to use a jury in criminal cases; serious offenses such as murder and fraud automatically go to a jury.

During the year the Supreme Court reported a backlog of 450 cases, and other courts had a large and steadily expanding backlog of cases, which included hundreds of cases of the most serious violent crime. Estimates of the backlog in other courts ranged from 40,000 to 95,000 cases. 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.

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.

In January the Court of Appeal affirmed the constitutionality of the Listening Devices Act, which had been challenged during an extradition hearing in 2008.

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.—The Government did not impose restrictions on public access to the Internet. There were 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. According to the International Telecommunication Union, there were 42 Internet users per 100 inhabitants in 2009.

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.—For a complete description of religious freedom, please see the 2010 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 the Government did not use it.

Protection of Refugees.—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. When they occur, applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities did not receive any requests nor 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 Government did not systematically share its prescreening notes with the UNHCR but did seek UNHCR advice on specific cases of concern.

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 claim asylum are 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 born outside the Bahamas 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. The narrow window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons. However, the Government did not consider many of these individuals stateless, because they were often eligible for the citizenship of their parents and could apply for Bahamian citizenship on their 18th birthday. Individuals born in the country to Haitian parents were not 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 de facto stateless persons.

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 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, alleged favoritism by the influential state-owned electronic media toward government candidates, and allegations of vote-buying.

The House of Assembly had five elected female members; there were five appointed female senators, including its president, in the 14-seat Senate. There was one woman in the cabinet.

Information on racial background was not collected, but there were several members of minorities in prominent positions in parliament and the cabinet.

Section 4. Official Corruption and Government 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.

Senior public officials, such as 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, which received 11 corruption reports during the year: it sent one to the police tribunal, found that one was unsubstantiated, recommended criminal charges in one case, and had eight cases under investigation at year's end.

Police investigated two extortion cases involving the alleged corruption of police officers. One case was determined to have insufficient evidence, and one matter was under investigation at year's end. In March authorities accused several female police officers of operating an illegal male strip show. The matter was before the courts at year's end.

At year's end an investigation continued into the March allegations of conspiracy to commit fraud against police officer Eddie Florival and prison officer Freeman Basden.

Police charged Corporal Jay Sergeant and Constable Harold Sands with aiding the escape of two inmates at the Central Police Station; the matter was before the court at year's end.

Authorities charged one person from the Department of Immigration's Passport Office with corruption in a bribery scheme; at year's end the matter was before the courts.

In September authorities accused two paramedics of extortion after they reportedly forced injured tourists to prepay for treatment and transport to the hospital. Emergency Medical Services director Avery Hanna suspended the crew pending an official investigation of the matter.

In August the RBPF discharged from the force police Constable Ricardo Kevin Bauld, arrested in 2007, after he was convicted of drug possession.

Media reports alleged that millions of dollars in government contracts were awarded inappropriately to the close friend of a senior civil servant. Both political parties were subject to corruption allegations concerning the inappropriate transfer of government-owned land. The opposition party also charged the FNM government with corruption in relation to a controversial relocation of the container port.

In January 2009 authorities charged a former PLP senator and an ambulance driver with conspiracy and abetting an alleged extortion attempt. A mistrial was declared in the first trial and the defendants faced retrial, but the complainant de-

clined to pursue the case at year's end. At year's end an investigation continued in the July 2009 case of a former PLP treasurer who was indicted on money laundering charges in a foreign jurisdiction.

In July 2009 authorities suspended 16 customs officials over allegations that included falsifying documents, bribery, stealing, and evasion of customs duties. Later, authorities dismissed nine of the officers, retired four in the public interest, and re-deployed two elsewhere in the public service. Police investigations into government contract corruption in the wake of 2004 hurricanes Frances and Jeanne continued at year's end.

The PLP accused Minister of the Environment Earl Deveaux of corruption after he submitted development plans from the same company for which he accepted free helicopter rides. The prime minister declined Deveaux's letter of resignation and told the press he did not believe the incident was a dismissible offense.

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 5. 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.

A governmental "commissioner" with ombudsman-like duties enjoyed the Government's cooperation and was considered effective.

Section 6. 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 prohibitions. However, the constitution and the law contain provisions that discriminate against women.

The country consists of 700 islands and cays, 30 of which are inhabited. Information reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from the lesser populated out islands.

Women.—Rape is illegal, but the law does not address spousal rape, except if the couple is separating, in the process of divorce, or if there is a restraining order in place. The maximum penalty for all offenses, including a first-time offense, is life imprisonment. According to the RBPF, 72 rapes were reported by October 14, a decrease from 90 reported in 2009. Prosecutions and convictions on rape charges were common. In August the RBPF activated a Victim Support Unit on the island of Grand Bahama to assist victims of rape and other serious crimes, a new unit created in response to a sharp increase in reports of rape on that island.

Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence as a crime separate from assault and battery, and the Government generally enforced the law. The police reported that eight of 78 killings recorded through October 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 hotline 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 Labor and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women. The ministry's Bureau of Women's Affairs was responsible for promoting and protecting women's rights.

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. The Ministry of Labor and Social Development received 10 reports of workplace sexual harassment during the year. Civil rights advocates complained that criminal prohi-

bitions were not enforced effectively and that civil remedies, including a prohibition on “hostile environment” sexual harassment, were needed.

Couples and individuals generally could decide freely and responsibly the number, spacing, and timing of their children, and were not subject to discrimination, coercion, or violence regarding these choices. Access to family planning was universally available to persons age 18 and older and to younger persons with the consent of an adult. Pregnant teens were removed from government educational institutions and placed in a special school, Providing Access to Continued Education, until after the birth of their children. The Maternal and Child Health Unit of the Ministry of Health provided information pamphlets on maternal and child health to clinics. A government Web site provided information for maternal and child healthcare services provided by various clinics throughout the country. Women had access to maternal health services. According to UN data, skilled personnel attended 99 percent of births, and 98 percent of mothers received prenatal and postpartum care. UN agencies estimated the maternal mortality rate to be 49 deaths per 100,000 live births in 2008. The Population Reference Bureau estimated the infant mortality rate at 14 per 1,000 live births. Services were available on a nondiscriminatory basis, although some illegal immigrants did not receive postpartum care because they had no fixed address.

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.—Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father born outside of the Bahamas do not automatically acquire citizenship. Otherwise, citizenship is acquired by birth in the country. There is universal birth registration; all births must be registered within 21 days of delivery. All residents, regardless of immigration status, had free access to education and social programs.

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 hotline regarding missing or exploited children. The Child Protection Act of 2007 included increased penalties for child abuse, mandatory reporting to police of all forms of child abuse, a provision for fathers of children born out of wedlock to pursue custody of the children, and a provision for mothers of children born out of wedlock to pursue maintenance of those children up to age 18.

The Department of Social Services reported 483 cases of child abuse between January and November. They included 55 cases of physical abuse, 243 cases of neglect, eight cases of incest, and two cases of emotional abuse. All other forms of abuse accounted for less than 10 cases each. The ministry believed that only a minority of cases were reported. The Ministry of Education conducted investigations into allegations of sexual impropriety against 29 teachers during the year. The Public Service Commission terminated 18 teachers, five cases were pending before the courts, and insufficient evidence was found in the remaining six.

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 anecdotal reports suggested that this was a particular problem in the out islands. 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.

The law prohibits statutory rape of persons under the age of 16; victims between the ages of 14 and 16 carry penalties of up to 14 years’ imprisonment, with harsher penalties involving persons under age 14. While a victim’s consent is insufficient defense against allegations of statutory rape, it is sufficient defense if an individual can demonstrate that the accused had “reasonable cause to believe that the victim was above 16 years of age,” provided the accused was under age 18.

Child pornography is against the law. A person who produces it is liable to life imprisonment; dissemination or possession of it calls for a penalty of 20 years' imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at www.travel.state.gov/abduction/resources/congressreport/congressreport—4308.html, as well as country-specific information at www.travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—There were no reports of anti-Semitic acts. The local Jewish community numbered approximately 200 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report www.state.gov/g/tip.

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. However, provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. 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.

In its attempt to counter all forms of discrimination against persons with disabilities the Government, through its Disability Affairs Division, engaged in several outreach efforts. The division collaborated with disability-related NGOs and the community of persons with disabilities in the formulation of national antidiscrimination legislation, which was in its final stages of preparation. The division also established a national registry for persons with disabilities in order to obtain statistical data that provides the kind of information needed for the creation of inclusive policies and support services necessary for equal participation in all aspects of society. Daily sign language interpretation for national evening news broadcasts was provided.

New measures were taken to provide training, education, and job placement services for adults and children with disabilities. The Government provided financial assistance for computer classes and technical skills training at the Bahamas Technical Vocational Institute. A disability allowance was provided to children with disabilities under the age of 16 to assist with caring for a child with special needs. Monthly self-esteem building support groups were held for men and women with disabilities. Free Braille classes were provided for individuals with vision loss as well as free sign language interpretation for individuals with hearing loss. Adaptive technology was provided for children with multiple disabilities at the Bahamas Association for the Physically Disabled (a school for children with multiple disabilities).

In June media reports indicated a patient died, possibly due to neglect, at the Sandilands Psychiatric Hospital. The Government conducted a comprehensive investigation which included detailed accounts from medical and support personnel, as well as the submission of closed circuit television footage. The Government found that there was no evidence of negligence on the part of staff in this matter.

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 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. The Haitian community was characterized by high poverty, high unemployment, poor educational achievement, and poor health conditions. Haitians generally had difficulty in securing citizenship, residence, or work permits.

Lawyers for an illegal Haitian resident in Nassau, whom an RBDF officer shot and injured in 2007, continued their civil suit seeking damages against the officer, the commander of the RBDF, and the attorney general, even though the man was subsequently deported. The case was scheduled to be heard in June 2011.

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. The economic recession led to an increase in resentment against the Haitian population and a tendency to blame Haitians for rising crime rates.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Societal discrimination against gay men and lesbians occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although homosexual activities between consenting adults are legal, no legislation addresses the human rights concerns of gay, lesbian, bisexual, or transgender persons. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

A jury acquitted Troyniko McNeil, accused of the 2008 killing of a reportedly gay person, handbag designer Harl Taylor. At year's end the Public Service Commission was still investigating two other 2008 killings of reportedly gay individuals.

Other Societal Violence or Discrimination.—Stigma and discrimination against persons with HIV/AIDS was high, but there were no reports of violence against persons with HIV/AIDS. Children 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 7. 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 hospitality 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 workers exercised this right in practice.

b. The Right to Organize and Bargain Collectively.—Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Employers can apply to have union recognition revoked if a collective agreement is not reached after 12 months. 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 the industrial tribunal was biased unfairly in favor of employees. After a massive "sick out" by the Bahamas Nurses Union in 2009 over a health insurance dispute, the Government announced it would prosecute doctors who falsified sick notes. The nurses returned to work and secured health coverage during the year.

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.

There were reports that Haitian laborers suffered abuses at the hands of their employers. 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 did not have access to labor protections under local law.

Smuggling rings continued to take advantage of the demand for labor by bringing in irregular migrants from Haiti. See also the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law prohibits the employment of children under the age of 14 for industrial work

or work during school hours, some children worked part-time in light industry and service jobs. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors. The Labor Ministry is responsible for enforcing these laws and did so adequately.

e. Acceptable Conditions of Work.—The minimum wage was \$4 per hour for hourly workers, B\$30 (\$30) per day for daily workers and B\$150 (\$150) per week for weekly-paid workers. 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 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 276,000. In January 2008 general elections the Democratic Labour Party (DLP), which had been in opposition since 1994, defeated the Barbados Labour Party (BLP), and DLP leader David Thompson became prime minister. In October Thompson died in office and was replaced by Deputy Prime Minister Freundel Stuart. Security forces reported to civilian authorities.

Human rights problems included occasional use of excessive force by the police and societal violence against women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings, but on rare occasions, there were police killings in the line of duty. All such killings were investigated and referred to a coroner's inquiry when appropriate.

Both the June and December 2009 police killings of Hugh Springer and Denzil Headley, respectively, remained under investigation at year's end. The hearing in the Springer case began in November; one in the Headley case had not been scheduled by year's end. There was no information available about the outcome of investigations into the 2007 police killing of Michael Davis or the 2006 killing of Richard Gordon.

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 torture and inhuman or degrading punishment or other treatment, but sometimes there were reports that police used excessive force. Most complaints against the police alleged unprofessional conduct and beating or assault. Police occasionally were accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their trial. In many cases 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 and detention center conditions generally met international standards. Dodds Prison, built in 2007 in St. Philip, was designed to meet modern international standards with a capacity of approximately 1,250 prisoners. According to prison officials, in October it held 910 prisoners, including pretrial detainees. Although prisoners occasionally complained about the quality of the food, Dodds has a canteen program permitting family members to make deposits into inmate accounts, and inmates may purchase popular food,

snacks, toiletries, and dry goods. Prisoners may submit complaints to the officer in charge. If that officer cannot resolve the problem, it is referred to the warden.

There were 37 female prisoners held in a separate wing. There were separate juvenile facilities for boys and girls.

Authorities permitted reasonable access to visitors, and 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.—At year's end the Royal Barbados Police Force (RBPF) numbered 1,452—including 74 special constables—and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits increased to 238. 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 BDF assistance with special joint patrols.

In 2004 the Police Complaints Authority (PCA) replaced the Office of Professional Responsibility in handling public complaints of inappropriate police conduct. The authority is headed by a retired judge. The authorities did not report the number of cases the PCA handled but stated that several cases have been heard. There were no convictions of police for unlawful conduct or abuse of authority.

There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in 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 judicial independence in practice.

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.

An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In March 2009 the director of public prosecutions officially dropped the charges against two journalists who were arrested when attempting to cover the arraignment of a police officer charged with drug possession and trafficking charges in 2008.

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. According to the International Telecommunication Union, there were 74 Internet users per 100 inhabitants in 2010.

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.—For a complete description of religious freedom, see the 2010 International Religious Freedom Report at www.state.gov/drl/rls/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 Government has not established a system for providing protection to refugees. The Government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, although no known cases occurred.

The Government did not grant refugee status or asylum during the year. The Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees, asylum seekers, and other persons of concern.

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 in January 2008, the DLP, which had been in opposition since 1994, defeated the BLP, led by then prime minister Owen Arthur. The DLP won 20 of the 30 seats in the parliament's House of Assembly, and DLP leader David Thompson became prime minister. Following Thompson's death in October, the DLP parliamentary group selected Deputy Prime Minister Freundel Stuart to become prime minister.

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.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

After she was fired in August, the National Housing Corporation's (NHC) former board chairman alleged that the minister of housing improperly bypassed the NHC board in issuing insurance and building contracts. The opposition BLP threatened to draft a resolution of investigation and bring the matter to the Public Accounts Committee of Parliament.

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 re-

quests for specific government information by citizens and other interested parties often were slow.

Section 5. 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.

The Ombudsman's Office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The governor general appoints the ombudsman on the recommendation of the prime minister in consultation with the leader of the opposition; Parliament must approve the appointment. The ombudsman submits annual reports to Parliament, which contain both recommendations on changes to laws and descriptions of actions taken by the Ombudsman's Office.

Section 6. 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 criminalizes 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. Authorities charged 112 persons with sex-related offenses, compared with 109 in 2009. Charges were brought in 44 cases of rape, compared with 65 in 2009; 19 cases of sex with a minor, compared with 17 in 2009; 42 cases of indecent assault, compared with 35 in 2009; and seven cases on other charges, compared with five in 2009 (some persons faced more than one charge). Many cases were pending in the courts for months or years.

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.

The law does not specifically address sexual harassment, which was a problem. There were no statistics available on the prevalence of sexual harassment cases. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Skilled attendance at delivery and in postpartum care were widely available, as was access to information on contraception. According to UN data, there were an estimated 64 maternal deaths per 100,000 live births in 2008. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

The Office of Gender Affairs in the Ministry of Family 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. According to the World Economic Forum's 2010 Global Gender Gap Report, women earned 26 percent less than men for comparable work. A government poverty eradication fund focused on encouraging entrepreneurial activities to increase employment for women and youth.

Children.—Citizenship is obtained by birth in the country. There was universal birth registration.

Violence and abuse against children remained serious problems.

Pornography is illegal, but there was no information available about any specific prohibitions dealing with child pornography.

The Ministry of Labor did not receive any complaints about child labor during the year. The Ministry of Family, Culture, Youth and Sports acknowledged that child prostitution occurred; however, there was no research to document that problem.

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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 Care, Constituency Empowerment and Community Development 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, most 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. In April the unit, along with the Barbados Fire Service, launched a program to install fire detectors in the homes of persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—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 gays and lesbians occurred.

Other Societal Violence or Discrimination.—The Government continued a large country-wide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them. While there was no systematic discrimination, HIV/AIDS-infected persons did not commonly disclose the condition due to lack of social acceptance.

Section 7. Worker Rights

a. The Right of Association.—Workers freely exercised their right to form and belong to trade unions. Approximately 40 percent of the 125,000-person workforce was unionized; unionized workers were concentrated in key sectors such as transportation, government, the hotel sector, and agriculture. There were two major unions, the National Union of Public Workers (NUPW) in the public sector and the Barbados Workers Union (BWU), focused on the private sector, with some overlapping representation in the state-owned enterprise sector. Of the 20,000-member public sector workforce, 50 percent belonged to the NUPW, and an estimated 20 percent of private sector workers also belonged to that union. The unions wielded significant influence. Both unions belong to the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), which brings together all unions and staff associations. Police, firefighters, and prison officers are not allowed to unionize, but their associations function as quasi-unions and are members of the CTUSAB.

The law provides for the right to strike, and workers exercised this right in practice. All private sector employees are permitted to strike, but the Trade Union Act and the Better Service Act prohibit essential workers, such as police, firefighters, electricity, and water company employees, from engaging in strikes.

b. The Right to Organize and Bargain Collectively.—Workers exercised the legal right to organize and bargain collectively. 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. At year's end it was still in place, and a sixth protocol was under discussion. The Social Partnership Agreement provides for monthly meetings of labor, management, and government and is chaired by the prime minister or the minister responsible for labor affairs.

The Trade Union Act governs trade union activities. Under the act, companies are not obligated to recognize unions or to accept collective bargaining. Although employers were under no legal obligation to recognize unions, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. In practice most major employers recognized unions, but smaller companies were often not unionized. The 25,000-member BWU took a number of actions when it had reason to believe companies were not respecting the rights of union members.

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. Labor unions reported some companies engaged in antiunion discrimination and complained to the Labor Ministry on a number of occasions about what they deemed antiunion activity by employers. According to the BWU general secretary, some unspecified foreign firms engaged in antiunion activities.

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. According to the chief labor inspector, no underage employment cases were filed during the past few years.

e. Acceptable Conditions of Work.—The Shop Keepers Act provides for, and the authorities established, minimum wage rates for specified categories of workers. The categories of workers with a formally regulated minimum wage are household domestics and shop assistants. The minimum wage for these employees was 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 recommended companies use this as the de facto minimum wage, and the prevailing wage on the island was higher than the legal 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, but the chief labor inspector insisted all workers' salaries were above the minimum wage.

The standard legal workweek is 40 hours in five days, and the law requires overtime payment of time and one-half 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, as it was passed at the end of the last administration and was therefore still under review. 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. The Ministry of Labor conducted a two-week basic occupational and safety standards course for business, government, and trade union officials.

Civic organizations such as the Barbados Employer's Confederation worked closely with the Government to ensure worker safety was protected despite the non-implementation of the 2005 law. Trade union monitors identified safety problems for

government health and safety inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Labor Department's Health and Safety Inspection Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants, with no serious problems noted. 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 333,000. In February 2008 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. There were instances in which elements of the security forces acted independently of civilian control.

Human rights abuses included civilian killings and the use of excessive force by security forces, which the Government took steps to prosecute administratively in some cases. Other problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons, discrimination based on sexual orientation, 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 isolated reports and allegations that security forces committed arbitrary or unlawful killings.

In February a Ladyville police officer shot and killed a Jamaican as he was riding away from a fight outside a bar. Eyewitnesses alleged that the victim posed no threat to the officers, but the police claimed that he carried a shiny object the officer mistook for a gun. Authorities charged a police corporal with manslaughter and another constable with abetment to commit manslaughter. The case against the officers was adjourned to January 2011.

In March an unknown person, shooting from a vehicle, killed a 21-year-old university student on a bicycle. The victim reportedly had been involved in an altercation with a police officer earlier the same evening, and the family alleged that a police officer committed the killing. The police commissioner stated that witnesses pinpointed "no specific officer," and an investigation remained pending at year's end.

In May a Caye Caulker police constable allegedly shot and killed a man who was in police custody after being arrested for disorderly conduct and assaulting a police officer. Authorities charged the constable with murder. The case was adjourned to January 2011.

In September Carlos Espat, the older brother of a well-known opposition party member, was found dead in his home. An autopsy determined the cause of death was blunt trauma to the head and chest. An investigation remained pending at year's end.

In March the Ministry of National Security presented the results of its inquiry into the December 2009 killing of Christopher Galvez, which family members alleged was committed by a police officer. While the inquiry reported irregularities and breach of Belize Police Department (BPD) standing orders, it found no evidence of professional misconduct in the police investigation itself. The investigation into the killing continued at year's end, while the family complained publicly of police harassment and threats.

In February the trial of a police constable charged with murder in the 2008 killing of a man shot as he was pursued by police ended when the Supreme Court instructed the jury to find the officer not guilty; the decision followed a successful "no case" submission by the officer's legal counsel.

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 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 December the BPD held 38 officers on interdiction or suspension as a result of alleged misconduct ranging, inter alia, from murder (two), manslaughter (three), extortion (six), keeping unlicensed ammunition (five) and theft (three). The

Office of the Ombudsman reported that during the year its office received 104 complaints against the police department and its personnel, including 37 allegations of police brutality.

In March authorities charged an off-duty police officer with kidnapping, robbery and aggravated assault of a vegetable vendor in San Pedro. According to the victim, the police officer, accompanied by a Belize Defense Force (BDF) soldier, went to the vendor's boat, searched his premises, and robbed him of BZ\$350 (\$175). BDF authorities did not charge the soldier because he reportedly remained on the wharf where the vessel was moored and did not assist his confederate on the boat. The case against the police officer was adjourned until January 2011.

In March a Dangriga policeman shot a fisherman in the back. Police asserted that the fisherman resisted arrest and tried to take the officer's weapon, but the victim and witnesses claimed he was running from the police when shot. Authorities did not charge the police officer despite a recommendation from the Office of Internal Affairs that the case be referred to the Office of Director of Prosecutions.

In April a Belize City police inspector shot a man in the head when he fired upon the vehicle in which the victim was riding. Contrary to eyewitness accounts to the media, police claimed the inspector fired accidentally; a police spokesman said that the vehicle was similar to one used in another offense earlier that night. Authorities arrested the inspector on charges of attempted murder and dangerous harm and suspended him from duty, but the Supreme Court granted him bail in June. The victim remained partially paralyzed as a result of the incident. The case was adjourned to February 2011.

In May authorities charged six Belize City policemen with wounding an electrical mechanic at the Mile Four police checkpoint on the Western highway. Reportedly police believed the mechanic fired shots at the checkpoint as he was driving past. In October the prosecution withdrew charges against four of the six police constables for lack of evidence. The other two officers were subsequently acquitted of the charges and remained employed by the police department.

As of August the BDF reported four unresolved complaints of excessive force made against military personnel, including two where investigations resulted in charges and in which the cases were pending before the courts at year's end. One case involved a BDF soldier who was charged with aggravated assault in March and then released on bail.

In a 2009 case in which a police and BDF patrol shot a man in Orange Walk District, BDF authorities reported that the patrol sought to subdue the man, who was intoxicated, and that he was shot in the leg only after he failed to respond to warning shots. The man subsequently succumbed to his injury while in the hospital. BDF authorities suggested that death resulted from negligent medical care. The case remained pending in court at year's end.

In August the Office of the Director of Public Prosecution determined there was insufficient evidence to substantiate a case against a police corporal charged in November 2009 with sexual assault while on duty.

There were no known developments, and none were expected, in the December 2009 case of a 14-year-old crime suspect who claimed that he had been beaten and sexually assaulted while in police custody.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet international standards. Belize Central Prison, the country's only prison, is administered by a local nonprofit organization, the Kolbe Foundation, which also operates the Government's parole program. Although the Foundation received a government payment of BZ\$13 (\$6.50) per prisoner per day for operating costs and supplementary funding from independent sources, it operated with a deficit during the year and suspended some services, such as facility repair.

The regular prison population was held in cells each accommodating approximately four to six persons. Prisoners on remand were held in a newer facility approximately three to four in a cell. Prisoners in the maximum security (Tango 10) facility were also held in the newer facility usually one inmate per cell. Isolation in a small, unlit, unventilated punishment cell, called a "reflection room," was used to discipline inmates in the youth section.

At the end of December, prison authorities reported approximately 20 incidents of inmate-on-inmate violence, approximately 10 of which resulted in hospitalization and one resulted in death. Authorities investigated a complaint that a prison guard's use of pepper spray on an inmate constituted brutality but found no evidence that the prisoner had been abused.

At the end of December, the prison held 1,410 inmates (190 fewer than capacity), of whom 24 were women and 47 were juveniles. In December the prison held approximately 400 prisoners in pretrial detention, approximately 48 percent of its capacity for such prisoners.

Women and men were held in separate facilities. The prison includes a separate facility for women located 200 yards outside of the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The judicial system occasionally sent female juveniles to the Belize Central Prison; however, there was no separate facility for female minors. In April the prison held five female minors for two weeks; they were held in a cell separate from other women.

Male juveniles, both on remand and convicted, were held separately at the Wagner Youth Facility within the prison compound. They lived in a dormitory facility, not in cells. Prison authorities considered this a risky confinement arrangement, since most sentenced juvenile males were convicted of murder and many were gang members.

The Belize Central Prison, which investigated formal complaints regarding prison conditions, reported no cases of abuse or excessive force by prison officials. The prison holds officer tribunals approximately twice a month to deal with officer misconduct, including such issues as absence without leave, dereliction of duty, and disobeying the rules. Disciplinary actions were taken in 80 to 90 percent of the cases brought before the tribunal; 30 percent of those actions resulted in termination of employment. Prison officers committing criminal offenses do not go through the tribunal process but are immediately detained and processed through the judicial system.

Inmates were given daily access to visitors, and there is no restriction on religious observance. A full-time chaplain coordinates visits by ministers from different denominations. The facilities have a hall where church services take place.

The Government retains overall oversight and monitoring responsibility for management of the prison. Government authorities made few monitoring visits during the year. The ombudsman, who visited the prison in 2009, reportedly did not request such a visit during the year; however, then Chief Justice Abdulai Conteh and various magistrates did visit the prison early in the year.

The Ombudsman Act authorizes inmates to make complaints to the ombudsman through prison authorities; however, prison authorities stated that inmates and their family members frequently submitted such complaints directly to the ombudsman.

d. Arbitrary Arrest or Detention.—Although the constitution and law prohibit arbitrary arrest and detention, there were occasional charges that the Government failed to observe these prohibitions.

Role of the Police and Security Apparatus.—National and local security personnel operate under two separate ministerial authorities. In June the Ministry of National Security split into two separate ministries: the Ministry of Defense and Immigration supervises the BDF and the Department of Immigration, while the Ministry of Police and Public Security supervises the BPD. Although primarily charged with external security, the BDF provides domestic security support to civil authorities, and increasing numbers of BDF soldiers worked alongside police officials, particularly in Belize City. BDF authorities indicated that BDF personnel assisting police have no powers of arrest, which remain with the police. Inadequate government resources, low pay for security officers, and corruption remained problems. During the year there were no reported cases of impunity for security-force members.

Arrest Procedures and Treatment While in 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. The law requires police to inform a detainee in writing of the cause of detention within 48 hours of arrest and to bring the person before a magistrate to be charged within a reasonable time (normally 24 hours). In practice, arresting police officers 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.

Every person charged with an offense is eligible for bail; however, persons charged with prescribed crimes, such as murder, gang activity, and specified drug-trafficking or sexual offenses, must apply to the Supreme Court for bail.

Case backlogs in the docket often caused considerable delays and postponement of hearings, occasionally resulting in prolonged pretrial detention. The time lag between arrests, trials, and convictions ranged from eight months to as long as two years.

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 all citizens the right to a fair trial and trial by jury for serious crimes, and an independent judiciary generally enforced these rights. Decisions and judgments for lesser crimes are generally issued by a magistrate after deliberating on the arguments presented by the prosecution and defense. Defendants enjoy a presumption of innocence and have the right to defense by counsel (but only in capital cases), a public trial, and appeal. Defendants also have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for their safety, in which case the court can grant interim provisions that both parties be addressed individually.

A Legal Aid and Advice Center, staffed by one attorney, provides legal services in civil and noncapital criminal cases in various courts including the Magistrate's Court, the Family Court, and the Supreme Court. The Supreme Court's registrar is responsible to appoint an attorney to act on behalf of indigent defendants charged with murder. There were, nevertheless, cases where defendants were unrepresented. For example, in August a jury returned a guilty verdict against a defendant charged with rape after proceedings in which the defendant was unrepresented.

The constitution and law allow defendants to confront and question witnesses against them and to present witnesses on their behalf. Defendants have the right to produce evidence in their defense and to examine evidence held by the opposing party or within the hands of the court.

Lengthy trial backlogs remained during the year, attributable in large part to an underresourced prosecution service and poor communication between police file readers, investigators, and prosecutors. Judges were often slow to issue rulings, sometimes taking a year or longer.

The rate of acquittals and cases dropped from prosecution increased, particularly for murder and gang-related cases, often due to failure of witnesses to testify because of fear for life and personal safety. According to the director of public prosecution, approximately 30 percent of all cases heard by the Supreme Court concluded with the witness not testifying. A law passed during the year allows written statements by witnesses to be admitted into evidence in place of court appearances, which has led judges to require a high degree of proof prior to admitting such statements.

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 BZ\$5,000 (\$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.

The Interception of Communication Act, which entered into force in December, provides for the use of intercepting software to allow law-enforcement agencies to obtain information in the interest of "national security, public order, public morals, and public safety." The act encompasses the possibility to intercept telephone conversations, facsimile communications, e-mails, and chat and text messages. The Government stated these measures were necessary to the war on crime and maintained that sufficient safeguards were incorporated to ensure respect of the right to privacy. Other observers, especially members of the opposition party, criticized the measure as being too broad in scope and subject to abuse.

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 from questioning 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 BZ\$5,000 (\$2,500), imprisonment of up to three years, or both. There were no reports that this prohibition was invoked 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 has the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or libelous material. This right was not exercised during the year.

Internet Freedom.—There were few 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. Lack of infrastructure and high costs limited public access to the Internet. The International Telecommunication Union reported that in 2009 there were 12 Internet users per 100 inhabitants.

The Interception of Communication Act, which entered into force in December, allows law-enforcement agencies to intercept telephone conversations, facsimile communications, e-mails, and chat and text messages (see section 1.f.).

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.—For a complete description of religious freedom, please see the 2010 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 the Government did not use it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status, but the Government does not have an established 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. The Immigration and Nationality Department handled individual cases.

A one-person refugee desk in the Immigration Department deals solely with renewing refugee residency visas; no refugee permits have been issued in almost 15 years.

In cases of individuals claiming refugee status or asylum, the Immigration Department works with Help for Progress to determine if the individual is indeed eligible for refugee status. Help for Progress also operated a government-subsidized shelter for asylum applicants and refugees.

Two Cubans remained in detention in the Belize Central Prison despite completing their sentence for entering the country illegally. Hubel Rodriguez was unable to return to Cuba because he left without following the proper channels. No other country was willing to accept him because of his criminal record. The second detainee, Pedro Venero Castro, lost his refugee status in Costa Rica after leaving the country without following the proper procedures.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and on the basis of universal suffrage for all citizens age 18 and older.

Elections and Political Participation.—In February 2008 the UDP obtained a parliamentary majority in generally free and fair elections. There were five women, among them the president, in the 12-member appointed Senate, but there were no women in the 31-seat House of Representatives. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups were represented in the National Assembly and at the highest levels of government.

The two major political parties and independent candidates participated in village council elections held between April 11 and June 6. The governing UDP claimed to

have won 122 out of 191 villages contested, and women accounted for approximately 10 percent of those elected as village council chairpersons.

Section 4. Official Corruption and Government 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 an increasing problem.

In February authorities detained three city council employees for misappropriation of BZ\$60,000 (\$30,000) from the Belize City Council between the period November 2009 and February 2010. An Audit Department investigation continued at year's end. Police reportedly recovered a portion of the funds.

In March authorities charged a police constable and two other men with attempted robbery of a restaurant in Belize City. The charges were subsequently changed to conspiracy to commit robbery. The case continued at year's end and was adjourned to January 2011. The officers were suspended from duty.

The Immigration Department opened internal investigations of alleged corruption among its officials. For instance, during the year an internal investigation verified allegations of fraud by an officer and forwarded the case to the Public Services Commission, after which the officer was demoted. In October authorities charged six immigration officials with offenses relating to the transit of 33 Chinese nationals through the country during September and October. While police investigations continued, the case against the immigration officials was pending before the court. In November the director of immigration was transferred to another office, although the prime minister stated that the move was not disciplinary.

In 2009 authorities charged Belize City Mayor Zenaida Moya and three other council employees with 22 counts of "uttering upon false documents" and two additional counts of failing to comply with accounting regulations of the City Council. The charges were levied in relation to 22 false receipts for gasoline amounting to a total of BZ\$1,540 (\$770) paid by the council. Moya was expelled from her political party but continued to serve as mayor. One council employee died before court proceedings in his case started. In October a court dismissed charges against two other council members, and in November the charges against the mayor were similarly dismissed.

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

A variety of domestic 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 Office of the Ombudsman, consisting of the ombudsman, an investigator, and a secretary, is vested with a range of procedural and investigative powers, including the right to enter any premise to gather documentation and the right to summon persons. However, the office operated under both staffing and financial constraints. The ombudsman reported an inability to complete his 2009 report as provided for by law. According to unpublished data, between January and December, the ombudsman dealt with 131 formal and 158 informal complaints, primarily relating to police brutality and land rights issues. Despite complaints of police brutality, there continued to be difficulty in receiving information from the BPD regarding those allegations. Similarly, the Human Rights Commission continued to operate but was constrained by funding and staffing limitations.

Section 6. 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 criminal code criminalizes rape, including spousal rape. The code states that a person convicted of rape or marital rape shall be sentenced to imprisonment of eight years to life although in practice sentences were often much lighter. Generally, challenges to the wider justice system have resulted in poor conviction rates for rape offenses. A number of cases resulted in acquittals or discontinuance

because the accusing party dropped the charges or refused to testify at trial (see section 1.e., Trial Procedures). In many instances the failure to proceed with a case was sparked by fear for personal safety on the victim's part. BPD statistics reported 19 cases and 14 arrests made in relation to rape through September.

The law prohibits domestic violence and contains penalties, including fines or imprisonment for violations, depending on the crime. The law empowers the Family Court to issue protection orders against accused offenders. Persons who may apply for protection orders against domestic violence include de facto spouses or persons in visiting relations. Protection orders may remain in place for up to three years and may include a requirement for child maintenance where applicable.

The Women's Department continued its program of "gender sensitization," as well as its campaign against gender-based and domestic violence. In March the Women's Department organized a legal clinic in Punta Gorda on family issues and gender-based violence. The department also initiated a batterers' intervention and prevention program for men who are abusive to women. It is court-connected and received its referrals from both the criminal and civil jurisdictions of the court. The 16-week program consisted of 12 participants.

Despite these efforts domestic violence against women remained a significant problem. Through September the Epidemiology Unit of the Ministry of Health reported that police and health authorities recorded 1,162 cases of domestic violence. 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) that offered short-term housing.

Although sexual harassment legislation exists, consultative reviews undertaken by the Women's Department have determined that it remains largely ineffective, since the fear of dismissal without compensation remained a major deterrence to filing complaints.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination, coercion, and violence. Programs undertaken by the Ministry of Health and the Belize Family Life Association provided for information and access to family planning and reproductive health services. The reported contraceptive rate for women was 34 percent, and the estimated maternal mortality rate in 2008 was 94 deaths per 100,000 live births. Women and men were afforded equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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 and experienced a more rapidly increasing unemployment rate than men.

The Women's Department under the Ministry of Human Development and Social Transformation 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.—Citizenship is derived by birth within the country's territory, regardless of the nationality of the parents. Citizenship may also be acquired by descent if at least one parent is a citizen of the country; however, citizenship by descent is not automatic for a child born outside the country. The law requires the registration of the birth of children, and it was effectively enforced.

Through June the Epidemiology Unit at the Ministry of Health recorded 81 cases of domestic violence and 18 cases of sexual abuse against children under 14, and the police reported 36 cases of carnal knowledge as of September. In many cases the Government was unable to prosecute individuals for sexual abuse and 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 and Social Transformation is 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.

The legal age for consensual sex is 16. Carnal knowledge of a female child under the age of 14, with or without her consent, is an offense punishable by 12 years' to life imprisonment. Carnal knowledge of a girl who is 14 to 16 is an offense punishable by five to 10 years' imprisonment.

There were reports children of both sexes were involved in prostitution, including sex tourism. Paid sex with a 16- or 17-year-old is a crime. The law criminalizes the procurement or attempted procurement of unlawful carnal knowledge with a female who is under the age of 18 and who is not a common prostitute or of "known immoral character;" an offender is liable to five years' imprisonment.

There are no laws against pornography; however, the criminal code establishes a penalty of two years' imprisonment for persons convicted of publishing or offering for sale any obscene book, writing, or representation.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There were fewer than 10 members in the Jewish community.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/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.

During the year Kim Simplis-Barrow, the prime minister's wife, was named the official spokesperson for persons with disabilities. She launched public announcements, participated in numerous advocacy campaigns on behalf of persons with disabilities, and partnered with CARE-Belize to promote schools that made positive efforts to create inclusive environments for persons with disabilities.

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.

In June the then chief justice, Abdulai Conteh, issued a Supreme Court judgment affirming Maya customary land tenure rights in 33 Mayan villages in the southern district of Toledo. The decision also ordered the Government not to take any action contrary to Maya land tenure practices, including leasing lands or resources or granting concessions for logging, mining, or petroleum exploration.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not protect sexual orientation or gender identity. The criminal code states that "carnal intercourse" with "any person" "against the order of nature" shall receive a punishment of 10 years' imprisonment. The law is interpreted as affecting male-to-male sex but not female-to-female sex.

The extent of discrimination based on sexual orientation was difficult to ascertain due to lack of reporting of instances of discrimination through official channels.

The country's sole lesbian, gay, bisexual, and transgender advocacy organization, UNIBAM, reported that continuing harassment and insults by the general public and police affected its activities; however, its members were reluctant to file com-

plaints. There were no gay pride marches organized in the past year due to UNIBAM membership concerns over the public's possible adverse reaction.

Other Societal Violence or Discrimination.—There was some societal discrimination against persons with HIV/AIDS, and the Government worked to combat it through the public education efforts of the National AIDS Commission under the Ministry of Human Development and through the Pan American Social Marketing Organization.

Section 7. Worker Rights

a. The Right of Association.—By law and in practice, workers were generally free to establish and join trade unions. Twelve independent unions, whose members constituted approximately 8 to 10 percent of the labor force, represented a cross section of workers, including most civil service employees. The Ministry of Labor recognizes unions and employers associations after they are registered. Both law and practice effectively protect unions against dissolution or suspension by administrative authority.

In the event that negotiations under the auspices of the Labor Commissioner fail, the law permits unions to strike. However, this right is limited for public and private sector employees who provide “essential services.” The Settlement of Disputes in Essential Services Act empowers authorities to refer disputes for essential services to compulsory arbitration, prohibit strike, termination actions. Once a dispute involving an essential service is notified to the authorities, it may be refer the dispute to a tribunal. The national fire service, postal service, monetary and financial services, civil aviation and airport security services and the port authority pilots and security services are deemed to be essential services. The tribunal has 21 days from the date of reference to declare an award or furnish advice. The decision of the tribunal is binding on the parties.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining and it was freely practiced. The Trade Union and Employee's Organizations Act of 2000 establishes procedures for the registration and status of trade unions and employers' organizations and for collective bargaining. A trade union must be certified as a bargaining agent by the Labor Tripartite Body. Additionally, a trade union can only be certified as a bargaining agent if it receives 51 per cent of the vote of the employees. The Labor Commissioner has the authority to act as a mediator in deadlocked collective bargaining negotiations, offering nonbinding counsel. Additionally, the Act prohibits termination of employment of an employee on the ground of trade union membership and union activities.

Although the law prohibits antiunion discrimination, in practice some employers blocked union organization by terminating the employment of key union sympathizers or members, usually on grounds purportedly unrelated to union activities. While a worker can file a complaint with the Labor Department, it is difficult to prove that a termination was due to union activity. Additionally, an aggrieved employee can seek redress from the courts. The judgments in the Christine Perriot and Maya King cases are examples where complaints were filed by aggrieved workers in the telecommunication and banana industries, respectively.

In June the trade union movement registered what it considered a major achievement when the Supreme Court determined that the 2007 termination of Christine Perriott violated the Trade Unions and Employers Organizations Act. Perriot was serving as the General Secretary of the Belize Communication Workers' Union at the time of her termination by the Belize Telemedia Limited. The court awarded her compensation of BZ\$350,000 (\$175,000) for her illegal termination.

While a 2009 decision awarding each of six banana workers who were terminated from Maya King Farm BZ\$70,000 (\$35,000) for wrongful termination was an important milestone for the unions, in October the Court of Appeal reduced the award to BZ\$40,000 (\$20,000) for each employee.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs). Export processing zones are subject to the labor laws of the country just as any other place of business. Even though unions are not banned, there is no union presence in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children. There were no verifiable reports of forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Labor Act prohibits the employment of children under age 14. Persons ages 14 to 18 may only be employed in an occupation that a labor officer has determined is “not injurious to the moral or physical development of nonadults,” typically light work that is not harmful to life, health, or education. Children under age 16 are excluded from work

in factories and those under age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The National Child Labor Policy has an indicative list of hazardous occupations for young workers.

The law permits children to work on family farms and in family-run businesses. Children in rural areas worked on family plots and family businesses after school, on weekends, and during vacations. National legislation does not address a situation in which child labor is contracted between a parent and the employer.

Children in urban areas commonly shined shoes and sold food, crafts, and other small items. Children crossed from Guatemala on a daily basis to attend school in Benque and Arenal.

The National Child Labor Policy distinguishes between children engaged in work that is beneficial to their development and those engaged in the worst forms of child labor. The policy identifies children involved in the worst forms of child labor as those engaged in hazardous work, in trafficking and child slavery, in commercial sexual activities, and in illicit activities. Credible sources expressed growing concern regarding commercial sexual exploitation of children with respect to sex tourism and intergenerational transactional sex.

The Department of Labor has primary responsibility for implementing labor policies and enforcing labor laws but has limited resources to investigate complaints. Inspectors from the Departments of Labor and Education are responsible for enforcing these regulations. There were no current reports on whether child labor laws were well enforced.

Under the National Child Labor Policy, the Labor Department is the primary stakeholder agency with oversight for child labor. There is also a Child Labor Subcommittee under the National Committee for Families and Children.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

e. Acceptable Conditions of Work.—The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice. In August the national minimum wage was adjusted to an across-the-board minimum wage of BZ\$3.10 (\$1.55) per hour. 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 law prescribes that it is the duty of the employer to take reasonable care for the safety of his employees in the course of their employment. Labor law further states that every employer who provides or arranges accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements. Workers have the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

BOLIVIA

Bolivia is a constitutional, multiparty democracy with a population of approximately 9.7 million. In December 2009 in a process deemed free and fair by international observers, citizens reelected Evo Morales Ayma, leader of the Movement Toward Socialism (MAS) party, as president. Security forces reported to civilian authorities.

The principal human rights problems reported were killings and torture by security forces; harsh prison conditions; allegations of arbitrary arrest and detention; an ineffective, overburdened, and corrupt judiciary; a "partly free" media; corruption and a lack of transparency in the Government; trafficking in persons; child labor; forced or coerced labor; and harsh 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; however, in May police killed two youths during violent protests, and in July a man was killed while in police custody.

On May 8, Bolivian National Police (BNP) officers killed two youths, Fidel Jimenez and Mario Hernani, during a conflict in the La Paz departmental town of

Caranavi. Reports by the Government's ombudsperson, the United Nations High Commission for Human Rights (UNHCHR), and the independent Permanent Assembly of Human Rights of Bolivia concluded that the deaths resulted from the use of excessive force; however, the parliament's Human Rights Committee concluded that the Government responded properly.

On July 6, El Alto resident David Olorio Apaza allegedly was tortured and killed while in BNP custody. Police detained him for suspected robbery of a tollbooth. According to the report by the Government's ombudsman, BNP Colonel Israel Vega ordered Olorio removed from his cell for questioning during which he was allegedly tortured and killed. The autopsy revealed his cause of death to be asphyxia due to compression of the neck and chest. The prosecutor's office investigation involving the actions of Vega and BNP officers Lieutenant Omar Antezana, Sergeant Juan de la Cruz, and Officers Juan Villa and Luis Aquino Mamani, was ongoing at year's end. According to media reports and a report by the ombudsman, the prosecutor in charge received threats surrounding the case, and the members of the judiciary involved in the case wore bulletproof jackets to a September hearing in response to threats. The ombudsman's report stated that the prosecutor should investigate the involvement of police at higher levels than those who were on trial and included proceedings against Prosecutor Veronica Angula Viscarra, who the ombudsman alleged made false statements to the public during the initial hearings.

Although the prosecutor has continued the investigation into the 2009 killing of three alleged terrorists in Santa Cruz, there have been no developments in the use of force by police during this event.

Mob violence, sometimes characterized by perpetrators as "indigenous justice" or "community justice," led to some violent deaths. Although the constitution discusses the concept of "indigenous justice," the Government rejected the interpretation that it permits mob violence, noting that the constitution specifically bans capital punishment. Many observers attributed such "community justice" to the absence of effective police and judicial presence in many urban and rural areas. Killings committed in the name of community justice occurred during the year. While there were no official statistics for such crimes, the media reported approximately 15 cases of community justice that resulted in one or more deaths. According to the UNHCHR, lynching increased, especially in El Alto and Santa Cruz.

On May 23, community members captured, reportedly tortured, and executed four police officers in the Potosi town of Uncia. The police officers, Nelson Alcocer Casano, Ruben Cruz Aruquipa, Esteban Alave Arias, and Miguel Ramos Palluni, were part of the BNP's Vehicle Robbery Prevention Unit. Community members claimed the police officers had a history of extorting bribes and killing those who could not pay. Government authorities and families of the slain police officers did not recover the bodies until after two weeks of negotiations with the community members. The Government's ombudsperson criticized the Government's slow reaction to the killings and unwillingness to order police to enter the community in force. Police arrested and detained community members Filomena Muruchi, Juan Coyo Rojas, Angel Coyo Aro, Eloy Janayo Choque, Anacleto Mendoza Aro, and Hilarion Escapa Gallego. Gallego was the only defendant to plead not guilty and requested termination of his detention, which was denied at a hearing on November 5. The investigation was ongoing at year's end.

On September 15, community members buried alive three brothers, Basil, Sabino, and Ignacio Flores, in the Cochabamba town of Tapacari. According to an ongoing investigation by Cochabamba Police Commander Hernan Trujillo, the brothers were killed following a border conflict among several farming communities that had left one farmer dead.

On September 11, witnesses began testifying in the ongoing investigation of the 2008 deaths of 13 persons in the cities of Porvenir and Cobiya in Pando. A June 19 Amnesty International statement urged that the judiciary proceed with this case. On October 12, within the 18-month period allowed for investigation, prosecutors brought formal charges against former prefect (governor) Leopoldo Fernandez and other defendants for their alleged roles in the 2008 Pando conflict. Fernandez remained in detention while awaiting completion of the trial. During the court sessions, the lawyer for Fernandez stated that due process was violated. There were no other developments at year's end.

There were no developments in the prosecutor's investigation into the 2008 deaths of two miners during a confrontation with police in Cahuasi, near the border of Oruro and Cochabamba departments, or in the 2008 request by the Supreme Court to authorize an impeachment trial for members of the Ministry of Government, including former government minister Alfredo Rada, implicated in the 2007 killings of three persons in Sucre allegedly by security forces.

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

On February 17, after a nine-month standoff, Armed Forces Commander in Chief General Ramiro de la Fuente denied a civilian investigator access to archives that reportedly contained information regarding approximately 150 persons “disappeared” during the country’s military dictatorship period. The minister of defense had previously assured the public that the investigator would have free access to the archives. There were no further developments by year’s end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and laws prohibit such practices; however, there were several reports of torture by security forces.

On March 16, six police officers of the Special Tactical Crime Investigation Group in Cochabamba reportedly tortured Colombian citizen Mauricio Escobar Suarez whom they arrested for suspected involvement in weapons trafficking and robbery. The victim claimed that he was tortured by electric shocks and suffocation that resulted in what the victim claims was physical and mental torture. Both the Ombudsman’s Office and the district attorney requested an official investigation into the police officers who participated in the arrest of the victim. However, the prosecutor assigned to the case rejected the claim of torture, stating that there were no grounds to support a charge. The Cochabamba Office for Professional Responsibility began disciplinary processes, but by year’s end there was no update on criminal proceedings.

On April 17, Justo Romero Limon, an employee of a fishing and hunting store in Santa Cruz, alleged he was held and tortured for four hours by persons who he claimed were members of the BNP investigating a weapons-trafficking case. He stated that BNP officers covered him with a plastic bag and beat him while asking him where the weapons were located. The BNP refused to accept his formal complaints several days after the incident.

On July 6, BNP officers allegedly tortured David Olorio Apaza before he was killed in El Alto according to a report by the ombudsman (see section 1.a.).

There were no developments concerning allegations of abuse during the April 2009 arrest of Mario Tadic and Elod Toaso in connection with alleged terrorist activities or in the May 2009 claim of torture by Jhenieffer Wissemberg.

On September 25, national television broadcast videotapes from 2009 showing military trainers beating and apparently waterboarding conscripts, specifically conscript Guido Alvaro Lopez Cortez of Oruro. President Morales declared the allegations of torture as very serious and stated the perpetrators would be brought to justice. The ombudsman confirmed that said actions were torture. The accused military persons were suspended, but despite government pledges of cooperation, prosecutors in the case criticized the military’s lack of responsiveness. The investigation continued at year’s end.

Two incidents of nonlethal mob violence were reported. On August 3, mobs attacked Potosi Governor Felix Gonzales with stones during a 19-day blockade and strike. In the same protest, mobs attacked the home of Vice Minister for Coordination with Social Movements Cesar Navarro before being dispersed by police. During the week of December 27, mob violence was reported in La Paz and El Alto in reaction to the December 26 government decree to remove gasoline subsidies. The protests ended after the Government repealed the decree on December 31.

Following the 2009 mob invasion of his home, former vice president Victor Hugo Cardenas initiated criminal investigations against Alfredo Huanapaco, Cruz Alarcon, Beatriz Quispe, and Gonzalo Aduviri for not returning his home and property. The judge in the case has not yet given Cardenas permission to return to his house, and the trial was ongoing at year’s end.

In May 2009 the pro-MAS Federation of Indigenous People of Eastern Bolivia (CIDOB) announced they had applied “community justice” to Beni Department Director of Indigenous Development Marcial Fabricano by publicly whipping him 50 times. CIDOB leader Adolfo Chavez stated that Fabricano was punished for not appointing MAS leaders to prominent positions in Beni. Fabricano opened a case against CIDOB leaders, and the Government disavowed the attack and started a formal investigation. No results were announced by year’s end.

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisons were overcrowded and in poor condition. Government authorities effectively controlled only the outer security perimeter of each prison. 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.

On November 25, in the maximum-security prison Chonchocoro La Paz, inmate Angel Fernando Mantilla Apaza, who had been declared a “dangerous” inmate by then director of Chonchocoro prison Hernan Ramirez Mendez, killed Peruvian na-

tional Junco Alberto Caceres by multiple gunshots. According to his relatives, Caceres was killed because he had threatened to disclose alleged links between police and robbers in the Olorio Apaza case (see section 1.a.). Research by the Ombudsman's Office revealed that the prisons did not transfer dangerous inmates, including Mantilla Apaza, as they had stated they would. An investigation was initiated into the prison system's role in the death of Ramirez Mendez and continued at year's end.

Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Overcrowding and poor conditions in detention centers remained a problem. 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.

The standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food.

The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to get permission for outside medical treatment. NGOs and prisoners reported cases of tuberculosis and HIV/AIDS in 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 8,300 inmates in facilities designed to hold 4,700 prisoners. 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, 700 convicted juveniles (16 to 21 years old) were not segregated from adult prisoners in jails. According to interviews, adult inmates sometimes abused the juvenile prisoners. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. Pretrial detainees were held with convicted prisoners.

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. (The law also permits spouses to live in prison.) 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 sometimes doubled.

Prison detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners to submit complaints periodically to a commission of district judges, which then investigate; however, many complaints of abuses are not submitted because inmates were afraid of prison retaliation.

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, in one case security forces seized and held an individual under legally questionable circumstances.

On March 10, police arrested and temporarily detained Eduardo Paz, president of the Santa Cruz Chamber of Industry, Trade, Services, and Tourism, for alleged connection to the 2009 terrorism case in Santa Cruz. There was no warrant or arraignment order against him, nor was there a subpoena for him to testify. There were no subsequent developments in this case.

Jorge Melgar Quete remained in a La Paz jail awaiting trial after his 2008 arrest for publicly calling for the "liquidation" of President Morales. The opposition maintained Melgar was jailed for disseminating video of Presidency Minister Quintana calling for the "political burial" of then Pando prefect Leopoldo Fernandez.

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. The national police disciplined officers by issuing 826 administrative sanctions and arrested 281 police officers, suspending them from duty. 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. NGOs charged that several investigations into potential human rights violations by the military stalled or proceeded slowly due to an administrative policy prohibiting the military from commenting on its activities, a policy that can be overruled by civilian judges.

During the year the Government provided in-depth human rights training to 3,129 police officers.

Arrest Procedures and Treatment While in Detention.—Arrests were generally carried out openly, but there were credible reports of arbitrary arrests and detentions.

The law requires an arrest warrant, and 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), at which time the judge must determine the appropriateness of continued pretrial detention or release on bail. The judge 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 75 percent of detainees awaited sentencing, but the courts provided release on bail for some detainees. Judges have the authority to order preventive detention 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.

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, overburdened, and weakened by vacancies at its highest levels.

On June 9, Amnesty International characterized the justice system as beset by "the pervasive culture of impunity and the widespread lack of trust in the justice system," while a representative of the Office of the UNHCHR expressed concerns about the politicization of the judicial process.

The constitution states that high-level court judges should be elected by national elections. However, a controversial "short law" allowed President Morales to appoint 18 judges to vacancies on the Supreme Court, Constitutional Tribunal, and Judicial Council. The appointments continue until judicial elections (scheduled for April or May 2011) are held. Critics asserted that the interim arrangement compromised the judiciary's independence.

The Supreme Court faced a backlog of more than 8,000 pending requests, some dating back to 2003. According to former president of the Supreme Court Julio Ortiz, during the year the court settled 1,600 cases. The Supreme Court had only one vacancy compared with 2009 when five of the 12 positions were vacant.

President Morales also filled all the vacancies on the Constitutional Tribunal, which had not functioned for almost a year.

The Judicial Council, a legal oversight body created to fight corruption and malpractice by judges, had a backlog of more than 100 disciplinary cases. 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.

Trial Procedures.—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 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. According to the Public Defender's Office, its staffing for the country's nine departments included only 55 public defenders and 11 legal assistants. A study by the Inter-American Commission on Human Rights (IACHR) released in Decem-

ber 2009, indicated that only 55 percent of municipalities had judges, 23 percent government investigators, and 3 percent public defenders.

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 that he must give suspects an opportunity to confront charges before a trial formally begins. However, the law was unevenly applied, and there were delays.

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 sentencing judge and felony cases (with possible sentences of more than four years) before sentencing courts. Sentencing courts feature a five-member panel of three citizens and two judges.

Political Prisoners and Detainees.—Unlike last year, there were no reports of political prisoners or detainees. In 2009 the opposition alleged that former Pando prefect Leopoldo Fernandez and three others were held as political prisoners, while the Government maintained they were being held legally under judicial order (see section 1.d.) The Government allowed Fernandez to receive visitors, including international monitors, but did not allow press to enter the prison to interview Fernandez as part of his national election campaign. The UNHCHR continued to monitor this case at year's end.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The law provides 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.

In connection with the May 8 killing of two youths in La Paz Department, authorities twice raided the homes of the victims' lawyers, Jorge Quiroz and Claudia Lecona, after they filed suit against National Police Commander Oscar Nina and Government Minister Sacha Llorenti. According to the ombudsman's report, these raids violated the lawyers' human rights. The investigation continued 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. Although the Government generally respected these rights, it maintained an antagonistic relationship with the press. In one example, on November 25, President Morales stated in response to a journalist's question, "the largest and the greatest opposition [to this government] are the journalists. Who can deny that? Can you deny this? The greatest opposition, in reality, is the media, the owners of the media, and how they use our friends the journalists." Opposition members charged President Morales and government officials with making disparaging statements regarding the press, politicizing state-produced media content, and taking actions designed to restrict independent media or to encourage self-censorship.

There were multiple independent media outlets, including printed press, television, and radio, and the airing of various viewpoints, many expressing opposition to the Government, continued. Radio and television stations generally operated freely. However, in rural areas state radio was often the only available media source.

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 and to apply sanctions.

In its 2010 Freedom of the Press report, the NGO Freedom House characterized the country's press as "partly free." Freedom House reported "significant slides continued" in the country "as attacks and official rhetoric against the media escalated."

On October 8, President Morales signed into law "the Law against Racism and All Forms of Discrimination." While expressing their support for the general principles of the law, journalists, media groups, and the Catholic Church criticized two specific articles that would sanction media outlets that broadcast or print racist or discriminatory content. Media organizations held large protests and collected signatures calling for the articles in question to be removed. They claimed the sanctions could be applied selectively to restrict freedom of the press. Addressing the debate over the law, UN High Commissioner for Human Rights Navi Pillay stated during

a visit in November that “international law requires that the limitations (to freedom of expression) be stipulated by law, be defined in a clear and precise way, and be implemented by an independent entity.”

On September 20, the offices of Radio Virtual 94.7 were damaged by a fire that consumed much of their office and equipment. The police continued to investigate this case, and the cause of the fire had yet to be determined at year's end.

In March 2009 the Government sued the leading daily newspaper, La Prensa, for slander for publishing a story linking President Morales and Presidency Minister Juan Ramon Quintana to a plan to smuggle 33 truckloads of contraband into Brazil. La Prensa editors rejected the claim and said they considered the trial an attempt to silence the press. The case had not been resolved at year's end.

According to data from local NGO Unir's National Media Observatory, there were 60 reported cases of aggression (physical and verbal attacks and threats) affecting 111 journalists.

In addition to the Anti-Racism Law, media organizations expressed concern over other legislation that they argued would restrict press freedom. They charged that the new Electoral Regime Law prohibited the media from discussing, in any way, candidates standing for election to Supreme Court and Constitutional 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 2009 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.—Freedom of Assembly.—The law provides for freedom of peaceful assembly, and authorities generally respected this right in practice. While the law requires a permit for most demonstrations, security forces rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blockading major thoroughfares and highways.

While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces (police and occasionally the military) were frequently called upon to break up protest groups carrying weapons or threatening government and private facilities.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 as well as trade and industry groups prevented movement within the country by blockading major highways.

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, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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, stateless persons, and other persons of concern. The UNHCR reported that the recognized refugee population in the country was 737 persons, compared with 673 persons in 2009. The Government completed processing and agreed to provide refugee protection in 28 cases and denied refugee status to 13 cases. There were 46 new applications during the year.

Several hundred thousand citizens lacked basic identity documents, which prevented them from obtaining international travel documents and accessing other government services. Some experts estimated the number of citizens lacking documents had decreased due to government efforts.

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 based on universal suffrage. Many citizens of voting age, particularly in rural areas, lacked the identity documents necessary to vote. 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.—Monitoring groups, including the Carter Center and the EU, proclaimed the April 4 gubernatorial and municipal elections peaceful, free, and fair. There were some allegations of fraud in the departments of Beni, Pando, Tarija, and Santa Cruz that led the electoral courts to invalidate some votes from polling stations in which fraud and irregularities were confirmed. Voters enrolled at these stations were called to recast their votes on April 18. President Morales and MAS members publicly denounced those election results as fraud-marred and initiated lawsuits against the four departmental electoral courts.

Monitoring groups from the Organization of American States, the EU, and the Carter Center considered the December 2009 national presidential and legislative elections peaceful, free, and fair. Implementation of a new biometric electoral register greatly reduced accusations of fraud. There were no reports of significant violence.

Every second candidate on municipal election ballots must be a woman, a requirement that had increased female representation to approximately 30 percent of municipal council positions. There were 52 women among Congress' 166 deputies and senators and 10 women in the 18-member cabinet. The number of indigenous members of Congress was estimated at 17 percent.

The constitution and electoral law set aside seven special indigenous districts to increase indigenous political participation in the Plurinational Assembly (Congress). President Morales considered himself indigenous. Three of the nine departmental governors were indigenous.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials in the executive, legislative, and judicial branches of government often engaged in corrupt practices with impunity. Laws to combat corruption and promote transparency include the Financial Administration and Control Law, the State Employees Statute Act, and the Sworn Declaration of Property and Income Law. A cabinet-level presidential appointee is empowered to investigate corruption at any level in any branch of government.

According to the World Bank's 2009 worldwide governance indicators, government corruption and lack of transparency were serious and worsening problems.

Police corruption was a significant problem, partially due to low salaries and lack of training, although no reliable statistics existed to quantify the depth of the problem.

In August the criminal court in La Paz put former vice minister of interior Gustavo Torrico under house arrest after an announcement by Presidency Minister Oscar Coca that Torrico was involved in extortion of Mennonite citizens in Santa Cruz. German citizen Dirk Schmidt, who helped create the network intended to extort money, was sentenced to prison for his involvement in the case.

In September former president Jorge "Tuto" Quiroga was sentenced to two years and eight months in prison for slander and defamation for statements he made in February 2009 alleging corruption in a bank. Quiroga claims the sentencing is politically motivated and has filed an appeal.

There were no developments in the January 2009 case of the killing of an oil executive and robbery of briefcases believed to be linked to a corruption scandal involving the state petroleum company.

There were no developments in the April 2009 case regarding the purchase of land in Santa Cruz for mining purposes. The case centered on allegations that government officials profited illegally from the sale.

A patchwork of laws requires public officials to report potential personal and financial conflicts of interest. Cases involving allegations of corruption against public officials require congressional approval before prosecutors can initiate legal proceedings.

There were no laws providing access to government information.

Section 5. 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 ombudsperson is a position with a six-year term established in the constitution. Congress chooses the ombudsperson by a 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. The ombudsman issued annual reports, and the Government usually accepted the recommendations. In May, Congress elected Rolando Villena Villegas as the new ombudsman. Villena then named new departmental ombudspersons. The lower house of congress includes a permanent commission on human rights, which proposes laws and policies to promote human rights. Congressional deputies sit on the commission for one-year terms.

In August and September, Villena released reports criticizing the Government's role in the deaths of two youths in Caranavi and in what the office reported as the torture and death of David Olorio Apaza (see section 1.a.). Villena also released an end-of-year report that was critical of the Government and the speed of the judicial process.

In the aftermath of the April 2009 killing of three alleged international terrorists in Santa Cruz (see section 1.a.), President Morales initially rejected calls by the Governments of Hungary, Ireland, and Croatia for an international investigation but subsequently authorized police to cooperate with investigators from the three countries. An investigation by the Irish government concluded that the postmortem on one of the alleged terrorists, Michael Dwyer, was incomplete. There were no new developments by year's end.

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

The constitution explicitly prohibits discrimination based on race, gender, language, sexual orientation, or social status. According to the human rights ombudsperson, there was significant discrimination against (in descending order) persons with HIV/AIDS, indigenous persons, gay persons, and women.

Women.—Rape was a serious and underreported problem. . 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. . 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.

Through November, the police Family Protection Brigade handled 70,792 cases nationally. 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.

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.

The Government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health. The Government provided direct cash transfers to expecting and new mothers to en-

courage the use of basic public health services that contribute to reducing maternal and infant mortality. According to the 2008 Demographic and Health Survey, the maternal mortality ratio was estimated to be 310 per 100,000 live births, and the reported contraceptive prevalence rate among women was 61 percent; however, only 37 percent of women using contraceptives used modern methods.

The 2008 Demographic and Health Survey reported that 90 and 71 percent of women received prenatal care and services of skilled birth attendants, respectively. The survey reported that 85 percent of mothers and infants received postnatal care. Improvement in these indicators were explained by the Ministry of Public Health policy of providing cash in the form of bonuses to women that register at a health center and return for their prenatal visits, delivery, and postpartum care.

Women are 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.

Numerous domestic and international women's rights groups worked to advance women's rights and integrate women into the mainstream of society.

Children.—Citizenship is derived through both birth within the country's territory (unless on diplomatic status) and from one's Bolivian parent(s). Birth certificates were registered either via a notary's affirmation of the certificate or through testimony of two adults regarding a child's parentage. Registered birth certificates were necessary to obtain national identification cards.

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. Many children also lived on the streets of major cities. The United Nations Children's Fund (UNICEF) estimated in 2007 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 a report by Pastoral de Movilidad Humana in 2008, 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 194 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community numbered approximately 650 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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. The Government did not effectively enforce these provisions, however, and societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society. The Law on Disabilities requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille.

The National Committee for Handicapped Persons was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—In October the Government enacted a new Anti-Racism Law making it illegal to discriminate or use racist language (see section 2.a.). This law includes punishments of up to a 360-day suspension of media outlets for use of alleged racist language. It also includes a mandate for all forms of media to highlight antiracism programming or literature in their shows and publications. 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 indigenous persons lived in poverty or extreme poverty with little access to education or minimal services to support human health such as clean drinking water and sanitation systems. The Government carried out a wide-ranging program to increase access to potable water and sanitation in rural areas where indigenous persons predominated.

Indigenous lands are not demarcated fully, and land reform remained a central political issue. Historically, a majority of indigenous persons 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 fully accomplished. Indigenous people protested outside exploitation of their resources and sometimes complained that authorities did not properly consult them. The law states that indigenous peoples have the right to control natural resources in their territories.

Indigenous peasants occupied several private properties that they did not own, often with the backing of the Landless Movement. Since 2007 at least eight illegal seizures of mines by campesinos have been reported. In August campesinos seized Potosi mines during the 19-day blockade and strikes within the region. On August 16, the federal government met with the leaders of the strike and agreed to several of their requests to end the blockade and strikes, including: a commission to address a disputed border with neighboring Oruro; a commission to study the use and preservation of the Cerro Rico mountain in Potosi city; a declaration to construct an international airport; pledges to construct cement factories; and extended state control over the Karachipampa smelter upon completion of arbitration with Atlas Precious Metals Company. At year's end there were no further developments.

Indigenous persons continued to be underrepresented in government and politics and 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 continued to try to improve individual and family situations through the delivery of cash conditional transfer (money given to individuals if they meet a condition) and retirement payments to low-income and the elderly. For example, under the cash conditional transfer program, pregnant women and children under the age of two receive money if they attend their medical checkups (an attempt to decrease infant mortality).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation, including by police, and citizens are allowed to change their name and gender on their official identity cards. However, societal discrimination against gay, lesbian, bisexual, and transgendered persons was common and noted in local media editorials. Organizations advocating for gay, lesbian, bisexual, and transgender persons existed and marches occurred, including a small annual gay pride parade, which received appropriate government approval and police protection. One student was reportedly expelled from high school for being gay, although school authorities denied that was the reason for the expulsion.

Other Societal Violence or Discrimination.—The human rights ombudsman reported that persons with HIV/AIDS faced pervasive discrimination. There were few if any registered acts of violence against persons with HIV/AIDS. No formal government programs existed to combat HIV/AIDS discrimination.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form and join trade unions, including in the public sector, with some exceptions. In practice this right was limited by government regulations and inefficient labor courts.

The law requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Govern-

ment to dissolve unions by administrative fiat. The law also places restrictions on unions' internal affairs. For example, members of union executive boards must be Bolivian by birth, and labor inspectors are allowed to attend union meetings and to monitor union activities.

Workers may form a union in any private company of 20 or more employees with at least 50 percent of the workforce in favor. The minimum requirement of 20 workers proved a heavy restriction, as an estimated 72 percent of enterprises had fewer than 20 employees. Approximately 25 percent of workers in the formal economy, which employed an estimated 30 percent of all workers, belonged to unions. Bolivian unions may not join international organizations.

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. According to the law, a legal strike requires the support of 75 percent of the workers. Workers who participate in an unlawful strike may be sentenced to prison terms of one to five years.

The Government may initiate compulsory arbitration to end a strike or collective dispute in non-essential sectors. Public service employees, including those in banks and public markets, are prohibited from striking which exceeds the International Labor Organization (ILO) definition of essential services.

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. General and solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

The central government had close ties with certain umbrella labor organizations such as the Bolivian Workers' Union and the Confederation of Farm Workers. The Government exerted pressure on national leadership and local chapters of many of these organizations and funded parallel chapters in areas where the Government had less influence.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, collective bargaining and voluntary direct negotiations between employers and workers without government participation was limited. Most collective bargaining agreements were restricted to addressing 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 rulings can take a year or more. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders stated that problems often were resolved or obsolete by the time the court ruled.

There are no special laws or exemptions from regular labor laws in 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 many cases indigenous Guarani families worked land owned by landlords in exchange for housing and food but were not paid the minimum wage. As a result they incurred large debts to their landlords and were not permitted to leave the property without satisfying their debt. Many of these families lived in very poor conditions without water, electricity, medical care, or schools.

Some workers, mostly indigenous persons, were forced to work 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, cattle, corn, and peanut industries 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-old children 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 enforced them unevenly throughout the country. According to the ILO, 848,000 children between the ages of five to 17 worked. Roughly 800,000 children were under the age of 14 years and were working in risky labor conditions, 354,000 in urban areas and 446,000 in rural areas.

There was also evidence of exploitation of indigenous children in the Chaco region, the departments of Beni and Santa Cruz, and in cities across the country wherever individuals were migrating 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 mining gold, silver, tin, and zinc, as well as in other dangerous occupations in the informal sector.

Child prostitution remained a problem. According to the human rights ombudsman, 3,000 children lived in the streets, and many were exploited sexually. The report stated that more than 100,000 children worked eight to 12 hours a day. The International Organization for Migration 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.

In addition significant numbers of children faced forced-labor situations in the production of sugarcane and Brazil nuts, mining, agriculture, and domestic service. See also the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

The Government devoted limited resources to investigating child labor cases, but NGOs and international organizations such as UNICEF supplemented the Government’s efforts. The Government continued its efforts to eliminate child labor in its worst forms, working with NGOs to discourage the use of child labor in the mining and sugar sectors by participating in internationally funded programs to provide educational alternatives to children who otherwise would work in mines or sugarcane fields. Nonetheless, according to the human rights ombudsman in 2009, 3,800 children worked in mining.

e. Acceptable Conditions of Work.—During the year the Government raised the minimum monthly wage 5 percent to 680 bolivianos (\$97) for the public and private sectors, from 647 bolivianos (\$92) in 2009. 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 poorly enforced. There were fewer than 37 inspectors in 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 only seven bolivianos (\$1) per hour. 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. Since most miners in these conditions are self-employed, they leave mine work when prices are lower, often to work in the Chapare as coca growers. However, few have transferrable skills. Min-

ers return to work in the mines when prices are high and they can earn higher wages.

BRAZIL

Brazil is a constitutional federal republic with a population of approximately 191million. In a second-round vote on October 31, voters elected Dilma Rousseff as president for a four-year term. The elections were generally free and fair. There were instances in which security forces acted independently of civilian control. State-level security forces committed numerous human rights abuses.

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; 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, particularly in the populous states of Sao Paulo and Rio de Janeiro.

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.

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, both on- and off-duty police employed indiscriminate use of force, including killings, primarily in the city's poorer northern section. Residents of the city's approximately 1,050 favelas (shantytowns), where approximately 1.2 million persons lived, were at particular risk. Impunity for such killings remained a problem. According to Amnesty International (AI), specialized Police Pacification Units (Unidades Pol cia Pacificadora, UPP) significantly reduced violence in a dozen communities, but AI stated that policing in Rio de Janeiro continued to depend on repressive methods. On November 26, AI claimed that Rio police killed more than 500 persons during the year in "acts of resistance," often without sufficient or independent investigations of whether the suspects were resisting arrest and threatening the life of police officers or the public.

AI reported that few killings were effectively or independently investigated and that perpetrators were seldom prosecuted successfully. Under its Favela Pacification Program, the Rio de Janeiro State Secretariat for Public Security assigned 12 specially trained community-policing units to 12 different favelas. A poll by the Brazilian Institute of Social Research found that 93 percent of residents in UPP areas felt safer. According to that poll, 70 percent of residents of communities without UPPs would like to have one.

In mid-December there were 13 community-policing units in 16 different favelas. Implementations of UPP police units assigned to these communities occurred with no reported casualties.

On November 28, Rio de Janeiro police units supported by the military entered the massive Complexo do Alem o slum as part of the wider Favela Pacification Program and in response to a wave of violent attacks against the population by drug gangs. Ensuing clashes between the suspected drug traffickers and the police killed 42 persons, some of them bystanders, including a 14-year-old girl, as reported by O Globo newspaper. Citizens and nongovernmental organizations (NGOs) reported excessive use of force on the part of law enforcement during the pacification. Then secretary of human rights Paulo Vannuchi undertook to investigate alleged human rights violations, while also attributing the relatively low number of deaths for such a large operation to restraint on the part of law enforcement.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo State police (civil and military) killed 392 civilians in the state from January to Sep-

tember, compared with 400 during the same period in 2009. 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. During the year there were reports of multiple killings (called *chacinas*) in Sao Paulo State, often drug related with suspected police involvement; in the Sao Paulo metropolitan region, there were 12 *chacinas* resulting in 46 deaths from January to October.

Between April 17 and 26, a group of approximately five military police officers on the coast of Sao Paulo State killed at least 23 persons, reportedly in retaliation for the April 18 killing of a fellow officer. The case remained under investigation at year's end.

On May 27, the UN special rapporteur on extrajudicial, summary, or arbitrary executions presented a follow-up report to her 2007 findings and recommendations. The 2007 report included recommendations in the areas of policing strategies, police involvement in organized crime, police accountability, forensic evidence, witness protection, public prosecutors, judicial and legal framework, and prisons.

The follow-up report noted some improvements made by police officials in Rio de Janeiro, Pernambuco, Paraiba, and Sao Paulo in implementing recommendations to reduce the activities of groups conducting extrajudicial killings, for example, by investigating militias and arresting those involved in the killings, but noted that such groups continued to operate. In September nine militia members arrested during Operation Leviathan II in Rio de Janeiro were found guilty of conspiracy and illegal possession of firearms and sentenced to prison terms ranging from eight to 12 years.

Groups with links to law enforcement officials carried out killings, in some cases with police participation. Although new statistics on such killings were not provided in the special rapporteur's follow-up report, it was noted that the state governments of Pernambuco and Paraiba made efforts to address extrajudicial killings. The state government of Pernambuco reported that it imprisoned approximately 400 individuals, and the state government of Paraiba investigated a group that may be responsible for as many as 300 killings. Credible, local human rights groups reported the existence in some states of groups linked to police forces that targeted suspected criminals and persons considered problematic or undesirable by landowners. States where such groups were known to operate included Sao Paulo, Rio de Janeiro, Pernambuco, and Paraiba.

In August 2009 authorities arrested five suspects, including military policemen, in the January 2009 killing in Pitimbu, Paraiba, of Manoel Bezerra de Mattos Neto, vice president of the Pernambuco branch of the Workers' Party and a human rights advocate. The NGO Global Justice reported that on June 9, Maximiano Rodrigues Alves, a witness in the investigation, was shot in Itambe, Pernambuco, in an attempt on his life allegedly stemming from the Mattos case. On October 27, in response to an appeal from the Pernambuco branch of the Brazilian Bar Association, the Superior Court of Justice transferred the Mattos case and those of other killings suspected to be the work of off-duty police to the federal courts. The case was pending trial at the federal court in Paraiba at year's end.

The case of the March 2009 killing by military police in Rio de Janeiro of Jose Carlos Barbosa remained under investigation at year's end. According to the Rio de Janeiro Bar Association Human Rights Commission, witnesses testified in the case despite receiving threats.

In April 2009 in Santa Teresa, Rio de Janeiro, police killed six youths allegedly involved in drug trafficking in Morro da Coroa favela. According to the NGO Rede Contra a Violencia, prosecutors brought charges against four police officers (Vagner Barbosa Santana, Carlos Eduardo Virginio dos Santos, Jubson Alencar Cruz Souza, and Leonardo Jose de Jesus Gomes) for the killings. The case remained pending at year's end.

At year's end two military police officers were in jail pending trial for the 2009 killings of four persons in Guaratiba District, Rio de Janeiro.

On July 30, a court sentenced four military police officers to 18 years and eight months for the 2008 murder of Antonio Carlos Silva Alves. The four, all of the 37th Battalion (Sao Paulo), were among 14 military police officers arrested in 2009 following an investigation into the activities linked to organized crime. Nine of the 14 remained in custody at year's end, pending the outcome of judicial proceedings.

There were no known developments in the following cases:

The August 2009 killing of Elton Brumda Silva during a military police operation to remove Silva and approximately 500 other Landless Rural Workers Movement members from a farm in Sao Gabriel, Rio Grande do Sul State.

The August 2009 arrest of retired police sergeant Jairo Francisco Franco for killing an unknown black man in the greater Sao Paulo area.

The investigation of military policeman Pascoal dos Santos Lima in connection with the 2008 killing in Sao Paulo of military police Colonel Jose Herminio

Rodrigues, who was investigating extrajudicial killings allegedly committed by Lima, who was serving a prison sentence related to another conviction.

More than 40 deaths that occurred during November 2009 military police operations in Rio de Janeiro favela communities following an October 2009 helicopter shoot-down.

The 2008 beating death in Rio de Janeiro of Andreu Luis da Silva Carvalho at a detention facility. The NGO Legal Project reported that prosecutors did not bring charges against the five agents allegedly involved in the killing, and Legal Project filed a suit in August against Rio de Janeiro State seeking compensation for the family of the victim.

On April 12, a jury in Para sentenced Vitalmiro “Bida” Bastos Moura to 30 years in prison for the 2005 murder of Catholic nun Dorothy Mae Stang. On May 18, Judge Maria de Nazare Gouveia, of the state superior court of Para, ruled that Reginaldo Pereira Galvao, also accused in the killing, and originally sentenced to 30 years, would remain free while awaiting an appeal.

On September 29, Rio de Janeiro Military Police Officer Paulo Marco da Silva Emílio, was acquitted of killing Thiago da Costa Correia da Silva and three other youths in Borel favela, in northern Rio de Janeiro in 2003. According to Rede Contra a Violencia, three of the five Rio de Janeiro military police officers charged were acquitted. Washington Luis de Oliveira Avelino was awaiting trial, and Marcos Duarte Ramalho, whose conviction was cancelled in March 2009, was awaiting a new trial at year’s end.

There were no known developments in the death-in-custody case, reopened in September 2009, of Manoel Fiel Filho, who was arrested and allegedly tortured before his death in 1976. Authorities charged a police detective, a specialist, and the medical examiner who performed the autopsy with murder and cover-up.

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 treatment and provides severe legal penalties for its use, torture and other cruel treatment by police and prison guards remained a serious and widespread problem. In 2009 the federal government’s Special Secretariat for Human Rights (SEDH) acknowledged that police institutions have been historically marked with violence, generating a cycle of insecurity, inefficiency, abuse, torture, and impunity.

Fourteen of the country’s 26 states have formally adhered to the National Plan for the Prevention and Control of Torture, which includes the installation of cameras in prisons and penitentiaries; frequent unannounced visits by prosecutors, public defenders, and NGOs; and videotaping of interrogations.

During the first half of the year, the Sao Paulo State Ombudsman’s Office received 13 complaints of torture by police, compared with seven during the same period of 2009.

According to the Rio de Janeiro State Police ombudsman, Luiz Sergio Wigderowitz, there were two complaints of torture by the police in Rio.

According to the Minas Gerais State Ombudsman’s Office, it received 87 complaints of physical aggression by police during the first six months of the year but no complaints of torture. Comparatively, in the first six months of 2009 it received 105 complaints of physical aggression and 17 complaints of torture by the police.

The Bahia State Ombudsman’s Office reported 27 complaints of physical aggression by the police and no complaints of torture from January to December 17. In 2009 it reported 79 complaints of physical aggression and no complaints of torture.

Police continued to abuse transvestite prostitutes in Rio de Janeiro, Belo Horizonte, and Salvador, according to the NGO Bahia Gay Rights Group. Complaints were investigated but rarely resulted in punishment (see section 6, Societal Abuses).

In Rio de Janeiro, militia members—many of them off-duty or former law enforcement officers—reportedly continued to use physical abuse, degrading treatment, and torture to spread fear and establish control over favela residents.

In the June 2009 case in which five indigenous Tupinambas in Ilheus, Bahia, charged that Federal Police officers applied electric shocks to their backs and genitals, a Federal Police investigation found that there was no abuse of power by the agents, as the Government did not consider pepper spray or Tasers to constitute weapons. The Federal Police internal investigation reportedly cleared Federal Police officers of acting inappropriately.

There were no known developments regarding the prosecution of an individual arrested in 2008 and three police officers arrested in January 2009 in the cases of two O Dia newspaper investigative journalists and their driver who were kidnapped, tor-

tured, and released in Batan favela, Rio de Janeiro, in 2008. Two other militia leaders charged in the case were convicted and sentenced in August 2009.

Prison and Detention Center Conditions.—Prison conditions throughout the country often ranged from poor to life threatening; however, some states made efforts to improve conditions. Abuse by prison guards, poor medical care, and severe overcrowding occurred at many facilities.

Prison officials frequently resorted to brutal treatment of prisoners. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and lack of medical care led to 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 494,237 prisoners, including 29,707 women, incarcerated in a prison system designed for approximately 300,000.

The federal constitution prevents minors who are less than 18 years old from being tried as adults and being incarcerated in federal, state, or city prisons. Crimes or misdemeanors committed by minors are classified as infractions. The penalties for such acts are classified as socioeducational measures. By law juveniles should not be held together in jails with adults, but this was not always respected in practice. Multiple sources reported accounts of adolescents jailed with adults in prison units in inhumane, poor, and crowded conditions. Insufficient capacity in juvenile detention centers was widespread. A government official from the Secretariat of Human Rights reported a first-hand account of adolescent boys and girls incarcerated with adults in a prison in Goiás during the year. Moreover, in May a news source reported minors being held with adults in an overcrowded prison in the state of São Paulo.

According to the SEDH, 60,000 adolescents were sentenced to socioeducational corrective measures. The majority of these youth were not confined, but 14,000 were detained in special youth detention centers found in every state and the Federal District. Of these, 3,000 were confined under a work release regime. The detention centers were marked by the same overcrowding and violence faced by the prison system for adults. The National Council of Justice noted, for example, that the detention center CAJE (Center for Training Skilled Youth) in Brasília was built to house 160 adolescents and had a population of more than 320. In September the Council for the Rights of Children and Adolescents recommended that CAJE be closed down, claiming that since 2004 more than 20 adolescents under its supervision died and that it received numerous reports of other forms of violence such as the beatings of those being detained, riots, and arson by the inmates.

The Government was aware of the abuse that takes place in both its prisons and juvenile detention centers and took steps to address the problem, as evidenced by its sponsoring of the First National Seminar on Torture and Violence in the Prison System and in the System for Socio-Educational Measures through the President's Secretariat for Human Rights and the National Council of Justice in November.

In Rio de Janeiro and most other states, pretrial detainees were held with convicted prisoners due to overcrowding.

Police killed three prisoners and injured 24 during a prison riot in Recife in May at a facility with a capacity of 1,400 that held 3,600 men. Police reported killing at least three prisoners in an 18-hour hostage situation during a prison uprising in January at the state of Paraná's central penitentiary. On February 25, detainees rioted at Serrinha Prison in Bahia, demanding transfer to a different penitentiary in the state. Prisoners killed a fellow inmate during the riot. On November 9, at least 18 prisoners were killed in two separate riots in São Luís, Maranhão. The rioters were demanding better conditions, including adequate food and an end to overcrowded conditions.

The NGO Conectas reported that penitentiary centers in the São Paulo metropolitan area remained overcrowded. There were seven centers in the city of São Paulo, each holding a population that was double its intended capacity. The Vila Independência Center, for instance, had space for 768 inmates but held approximately 1,900. According to a Conectas representative, these centers were temporary prisons for those awaiting trial or a more permanent situation in the penitentiary system. Because these prisons are temporary, they are not held to the same standard as the long-term prison system, and the buildings were old with few facilities. Conectas reported that some individuals were held in these centers for years without sentencing.

In 2009 the National Council for Criminal and Penitentiary Policy reported seriously deficient conditions at two detention facilities in Serra, Espírito Santo. At the Cascuvi facility in Viana city, 25 individuals guarded more than 1,170 prisoners crowded into three spaces lacking individual cells in a facility designed for 370 per-

sons. The report described the absence of electricity and showers, privacy, legal counsel, inmate advocacy, and reformatory activity; rodents and pests roaming freely; drinking water provided once daily; food served sporadically; limited medical access; inmate skin disease; and allegations of inmate-on-inmate attacks. According to Global Justice, authorities demolished the penitentiary in Cascuvi in May to build a provisional detention center (CDP). In 2009 the state government of Espirito Santo created CDPs as maximum-security prisons, which are part of the state's program of modernization and improvement of the prisons system.

Global Justice, however, reported that the CDPs held both pretrial detainees and convicted prisoners and were already at capacity.

In August Espirito Santo prison officials announced that they would discontinue the use of metal ship-container cells as holding facilities. Global Justice reported a lack of information from prison officials on prisoner status and conditions in its facilities. Global Justice also asserted that there was no information available concerning the investigation or punishment of the agents and detainees involved in cases of killings and torture in Espirito Santo penitentiaries. The NGO reported a lack of information on the whereabouts and status of the prisoners who were transferred from the penitentiaries that used metal ship-container cells.

In June 2009 the Inter-American Court of Human Rights granted precautionary measures for inmates of the Polinter-Neves penitentiary in Sao Goncalo, Rio de Janeiro State, because of inadequate access to medical services and asked the Government to ensure adequate medical care, reduce overcrowding, and report its actions to the court. There was no government response to the Inter-American Court, and according to the NGO Rio de Paz, the situation at Polinter-Neves penitentiary remained unchanged. The facility has capacity for 350 detainees but held 656 at year's end. The Public Defender's Association reported filing suits to shut down the penitentiary. According to the Coordinator of the Rio de Janeiro Public Defenders Association, Denis Sampaio, the suits were pending resolution and the penitentiary continued functioning at year's end.

On June 24, the Legislative Assembly of Rio de Janeiro approved a law creating a Torture Prevention Committee and Mechanism. The law provides for state monitoring and supervision of jails, penitentiaries, socioeducational centers, and mental institutions. Implementation of this law continued at year's end.

The situation in the Women's Penitentiary of Santana in Sao Paulo remained poor, although there were some improvements in the areas of health care and food quality. The prison, a converted men's facility in an old, deteriorating building, was overcrowded and did not have educational and social development programs for inmates. Women who give birth in prison or are the mothers of newborns when arrested are permitted to keep their babies with them in the facility for six months. The Santana Penitentiary provides special cells and assistance for 120 inmates and their children. These facilities are located in the hospital building.

Rio de Janeiro and Sao Paulo states and the Federal District provided separate prison facilities for women; elsewhere, according to the NGO Pastoral Carceraria, women were held with men in some facilities. Male officers who served in women's prisons abused and extorted the prisoners for sexual favors.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. Abuses continued in municipal jails and detention centers throughout the country.

There were no developments reported concerning the 12 persons, including 10 police officers, indicted but never jailed for the 2007 repeated sexual abuse of a 15-year-old girl in a cell in Abaetetuba, Para. However, on April 20, the National Council of Justice unanimously decided to force the retirement of the judge who sent the girl to the cell but took no action when she became aware of the abuse suffered by the victim.

Prisoners and detainees had reasonable access to visitors. They were permitted religious observance and permitted to submit complaints to judicial authorities, although this was not always respected in practice.

Government policy permits prison visits by independent human rights observers; however, in practice authorities did not always follow this policy. A Conectas representative confirmed that it was at times difficult for outside observers to obtain permission to visit prisons.

Human rights advocates visiting juvenile detention centers in Sao Paulo reported continuing improvements in their general conditions. The foundation Center for the Socio-Educational Care of the Adolescent dismantled large out-of-date detention centers prone to inmate violence and built smaller facilities for easier management of the inmate population. This process began in 2006 and has continued, with five new centers opening during the year, which brought the total to 132. Each center had

space for 56 adolescents, with approximately 7,000 held in the system. Conectas reported that the new facilities improved living conditions and that there were no cases of physical abuse, riots, or deaths in the smaller facilities. However, the temporary center for juvenile criminals did not have facilities for social and educational activities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention and limits arrests to those caught in the act of committing a crime or arrested by order of a judicial authority; however, police at times did not respect this prohibition in practice.

Role of the Police and Security Apparatus.—The Federal Police, operating under Ministry of Justice oversight, is small, primarily investigative, and plays a minor role in routine law enforcement. Most police forces fall under the control of the states, where they are divided into two distinct units: The civil police are plainclothes officers with an investigative role, while the military police are uniformed officers charged with maintaining order and preventing crime. Although the individual state governments control their respective military police forces, the constitution provides 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.

In Rio de Janeiro's favelas, militia groups often begun as off-duty and former law enforcement officers took community policing into their own hands. However, many militia groups came 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. Punishing police involved in militia activity was difficult due to solidarity and fear of reprisals. Police often did not operate in militia-dominated communities. State authorities estimated that militias had taken over nearly 100 favelas from drug-trafficker control, mostly in the city's west.

In a September media interview, former Rio de Janeiro State secretary for public security Marcelo Itagiba alleged that communities controlled by militias increased from 42 to 171 over the past four years.

In October the local press reported that Rio de Janeiro military police officers arrested eight members of the militia gang Piraque, which included a civil police officer, two military police officers, and an army officer. Press reports alleged the gang charged local residents for the provision of security and utility services.

In January the Rio de Janeiro State Secretariat for Public Security and Civil Police started a human rights training course for Rio de Janeiro military police officers. During the year an estimated 500 officers received the course, a "train-the-trainer" program, that ultimately was delivered to approximately 38,000 officers. According to the secretariat, human rights courses were a mandatory component of training for entry-level military police officers. Other states, such as Santa Catarina, also integrated human rights elements into police training.

The Rio de Janeiro State Secretariat for Public Security reported that 29,873 police officers took online training courses in human rights during the year, in partnership with the National Secretariat for Public Security.

Arrest Procedures and Treatment While in 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 may 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.

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 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.

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. For instance, 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 enjoy a presumption of innocence and have the rights to confront and question witnesses and to appeal. A large case backlog hindered the ability of appellate-level courts to ensure fair and expeditious trials.

While the law provides for the right to counsel, the Ministry of Justice estimated that approximately 90 percent of prisoners could not afford an attorney. In most cases the court must furnish a public defender or private attorney at public expense. The Public Ministry continued hiring public defenders, but staffing deficits remained in all states. For example, according to the Human Rights Commission of the Rio de Janeiro Bar Association, there were 700 public defenders in Rio de Janeiro State, a personnel deficit of 18 percent.

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 drawn-out investigations. The police themselves were often responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. 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.

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 NGOs credibly reported that police conducted searches without warrants. Human rights groups, other NGOs, and the 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. During its law-enforcement operations in November and December, the military entered the massive Complexo do Alemão slum as part of the wider Favela Pacification Program. NGOs, including Rede Contra Violência, claimed those authorities forcibly entered homes without warrants and looted some residences. Victims reported searches without warrants, including abusive and violent searches of women. Wiretaps authorized by judicial authority were permitted. The inviolability of private correspondence generally was respected.

On June 22, a Brazilian Bar Association spokesman denounced the installation by federal authorities of recording equipment in visiting rooms reserved for conversations between lawyers and federal prisoners in four prisons in the country as

a violation of attorney-client privilege, making it “impossible to exercise the right of defense.” Seven correctional officers in a maximum security federal penitentiary in the state of Mato Grosso do Sul brought the installation to the attention of the bar association. Federal authorities stated that the equipment was there purely for security purposes and that attorney-client conversations were not regularly recorded unless authorized by a judge.

On September 27, a federal judge in Sao Paulo ruled evidence gained by illegal wiretaps inadmissible in a case involving racketeering charges against 12 persons, including two tax officials, stemming from a 2007 investigation.

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. The independent media were active and expressed a wide variety of views with minimal restriction; however, criminal as well as other elements, such as political party activists, continued to subject journalists to violence because of their professional activities (see also sections 1.a. and 1.c.).

The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press. Between August 2008 and November 2010, the ANJ reported 74 cases of censorship, threats, direct violence against journalists, and other forms of pressure against news organizations and professionals. Of these, 34 occurred during the year, including two deaths, one imprisonment, 11 cases of censorship, 10 of assault and battery, and two bombings. Of the 74 cases, 26 represented court decisions, and 10 were electoral court decisions restricting the ability of journalists to report on specific election stories. In four cases members of the judiciary were plaintiffs in legal actions involving news reports mentioning them.

On October 19, a gunman shot and killed journalist Francisco Gomes de Medeiros, of Radio Caico in Rio Grande do Norte. According to police, the defendant killed Gomes de Medeiros because of accusations the journalist made on the radio, connecting the assailant with drug trafficking. The Union of Professional Journalists of Rio Grande do Norte considered the case an intimidating example of organized crime retaliation.

The ANJ regarded the most serious threat to press freedom to be the growing number of court decisions prohibiting the media from reporting on certain activities. Among the highest-profile cases reported by the ANJ were two instances of judicial prior censorship where the courts barred newspapers from reporting on continuing investigations.

In September the Regional Federal Court in Tocantins State forbade 84 publications—including *O Estado de S. Paulo* and leading circulation newsmagazine *Veja*—from reporting on an investigation by the Sao Paulo State Prosecutor’s Office against the Tocantins governor and candidate for reelection, Carlos Gaguim. The ruling was subsequently lifted, but not before the local police were dispatched to the airport at the state capital to seize a shipment of a national circulation magazine containing a report on that subject.

Pursuant to a July 2009 court ruling, the newspaper *O Estado de S. Paulo* and its associated Web site remained barred from reporting on the Federal Police investigation of alleged corruption by Fernando Sarney, the son of the Senate president.

In August during the Eighth Congress of Brazilian Newspapers (sponsored by the ANJ), presidential candidates Jose Serra and Dilma Rousseff signed the Chapultepec Declaration, which obliges its signatories to respect and defend the freedom of the press.

On August 26, in response to an appeal by the Brazilian Association of Radio and Television Broadcasters, the Supreme Federal Tribunal (STF) suspended legislation prohibiting satire of politicians during the electoral campaign. The NGO Reporters Without Borders had called the law a vestige of the authoritarian period.

During the final stage of the election campaign in September, President Lula publicly criticized press reporting of the resignation of Chief of Staff Erenice Guerra for alleged influence peddling, claiming the reporting was politically motivated.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In March Google reported high rates of government requests for content to be removed and high levels of requests for personal data. Observers attributed this to government investigations into child pornography and racism and to the relative ease in filing private lawsuits to demand removal of content and to request data to identify the original poster.

As with freedom of expression in the press, government restrictions on freedom of expression extended to the Internet with court orders requiring the removal of a wide variety of material, far more than child pornography. Information ordered taken down included coverage of judicial misconduct and business dealings. The Committee to Protect Journalists (CPJ) estimated that one congressional representative filed more than 44 lawsuits against 38 journalists.

The IBOPE-Nielsen Net Ratings reported that 39.2 million persons regularly used the Internet in their home, and the International Telecommunication Union reported that Internet usage increased to approximately 39 percent in 2009.

In July new electoral rules were issued regulating presidential campaigns on the Internet, allowing debates to take place on blogs, social networks, and Web sites, along with advertising via e-mail and short message service (SMS) messages. The new rules prohibited candidates from buying advertising space online, restricting online campaign presences to sites run by the candidate. The regulations also required that all Web sites be registered with the Electoral Court and made online slander and defamation punishable by fine.

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.—For a complete description of religious freedom, please see the 2010 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 Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

The law prohibits forced exile, and no instances of forced exile occurred.

Protection of Refugees.—The law provides for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. In July 2009 President Lula approved a law that allowed foreigners who arrived in the country illegally by February 1 to apply for a two-year temporary residency; by February approximately 43,000 persons received amnesty under the new law. The largest group of beneficiaries, an estimated 17,000, were Bolivians, many of whom benefitted from regularized status to leave exploitive labor conditions.

According to the Interministerial and Interinstitutional National Committee for Refugees, of the 4,294 recognized refugees from 76 different countries in the country as of June, the largest numbers were from Angola (1,688), Colombia (589), and the Democratic Republic of Congo (420); 132 were from Cuba. Two-thirds were women, and 399 were resettled in 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, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Military conscripts may not vote.

Elections and Political Participation.—In the 2010 national election, generally considered free and fair, Workers' Party candidate Dilma Rousseff won a four-year term as president. According to the Electoral Supreme Court (TSE), more than 150 international observers from 36 nations accepted invitations to witness the October elections. Among those represented were the Organization of American States, Community of Portuguese Speaking Countries, Mercosur, and various NGOs from Africa and Haiti.

Political parties operated without restriction or outside interference.

Women have full political rights, and in October the country elected its first woman president. The law requires that 30 percent of the candidates registered by each political party must be women, but this was not always respected in practice. According to the TSE, there were 3,968 female candidates in the October elections, compared with 15,504 male candidates. In the October elections, 11 women were

elected to the 81-member Senate and 43 women to the 513-member Chamber of Deputies. Of the 27 governors elected, two were women. There were three women in the outgoing 37-member cabinet, two on the 11-member Federal Supreme Court, five on the 33-member Superior Court of Justice, and one on the 14-member Military Superior Court. Women won 12.9 percent of elected seats at the state level (a slight increase from 11.2 percent in 2006) and 12.6 percent at the municipal level. In December President-elect Rousseff selected nine women to join her cabinet to be sworn in on January 1, 2011.

There were 25 Afro-Brazilians elected to Congress (three senators and 22 deputies), and 21 Afro-Brazilians elected to state assemblies, according to the Institute of Politics, Public and Business Administration and Technologies. There were two self-identified Afro-Brazilians in the cabinet and one each on the Federal Supreme Court and Superior Court of Justice.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption and strengthened penalties for corruption during the year; however, the Government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption continued to be a serious problem.

The Government recovered \$390 million diverted from public funds via corruption, a 35 percent increase over 2009. During the year the Office of the Federal Solicitor General (AGU), a government accountability body that provides legal guidance to the executive branch, ensures government compliance with legal and administrative requirements, and can represent the Government in court, filed 3,706 actions in an effort to recover a total of \$2.498 billion suspected to have been diverted by corruption. According to the AGU's Web site, more than \$566 million of that amount was found in bank accounts of mayors, former mayors, public servants, and business executives involved in illegal operations. The funds in question have been blocked or seized pending filings by the AGU.

The Ficha Limpa (Clean Record) law passed by Congress in May bars politicians from seeking elected office if they face corruption charges. A lower federal court in June ruled that Ficha Limpa, originally set to take effect only for the 2012 elections, would also apply to the state and national elections during the year. On October 28, the STF upheld the September decision by the TSE to apply the law for the October elections, in cases where a politician previously resigned from elective office to avoid impeachment. The decision involved an appeal by disqualified Senate candidate Jader Barbalho of Para.

In cases where candidates were removed from previous office by rulings or impeachment, the STF's October 28 decision did not apply, leaving the several other legislators elected on October 3 awaiting decisions on individual appeals. In September previous electoral court decisions that Ficha Limpa would apply forced some politicians facing corruption allegations, such as former Federal District governor Joaquim Roriz, to withdraw from races because they subsequently could be found ineligible to hold office.

In November 2009 videotapes became public of then Federal District governor Jose Roberto Arruda and several of his political allies in state government apparently receiving bribes in past years. In February Arruda stepped down and subsequently was arrested and held without bail for two months. On March 16, the Regional Electoral Tribunal ruled to remove Arruda from office. On April 12, he was released on bail and was awaiting trial at year's end. The story received national press coverage and Arruda did not run for reelection.

On September 10, the Federal Police arrested Amapa Governor Pedro Paulo Dias and 17 others on charges of corruption. The previous governor and then Senate candidate Waldez Goes was among those arrested, for theft of public funds and involvement with organized crime. On September 18, the governor was released, along with the former governor, and returned to assume his office for the remainder of his term, which ended December 31. Dias lost his reelection bid on October 31.

There were no known developments in the trial of Romero Menezes, former executive director of the Federal Police and its second-ranking official, suspected of leaking information to his brother about a fraud investigation and fired in 2008.

Public officials were subject to financial disclosure laws. A 2009 law required more transparency in campaign financing. 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 public spending as a source 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, although the release of such information was often slow.

Section 5. 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—particularly by members of the state police—for their efforts to identify and take action against human rights abusers.

While most states had police ombudsmen, 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, and they issued no significant reports or recommendations during the year.

The Chamber of Deputies and the Senate had human rights commissions that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations.

Section 6. 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, gays and lesbians, 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. From January to June, the Sao Paulo State Secretariat for Public Safety registered 4,796 rape cases, compared with 1,996 during the same period in 2009. Part of this sharp increase was attributable to enactment of a federal law broadening the definition of rape and therefore the number of cases included in the statistic.

Domestic violence remained both widespread and underreported to the authorities, although reporting increased. The federal government continued to operate a toll-free 24-hour nationwide hotline for women. Of the domestic violence complaints registered through the hotline during the year, 78 percent were considered physical violence, and 22 percent were threats. For such cases the Maria da Penha law increases the penalty from one to three years in prison and created special courts. There was no information available on the numbers of prosecutions or convictions for domestic violence, although in July CNN reported 10 women were killed in domestic violence each day. The Institute of Public Safety reported that in Rio de Janeiro 128 women were threatened by their husbands every day while 44 suffered attempts by their spouses to kill them.

According to hotline data from January to September recorded by the Special Secretariat of Policies for Women, the number of registered calls received nationwide rose to 552,034, a 23 percent increase over the same period in 2009. Of the complaints received, 51,736 concerned physical abuse, a 113 percent increase from the previous year. In almost 70 percent of reported cases, children were said to have witnessed the abuse. Fifty-eight percent of the callers reported daily physical abuse; the majority blamed domestic partners, who were commonly under the influence of alcohol or drugs. According to press reports, 58 percent of the registered cases involved partners living with the victim, 58 percent of whom were married. Another 15 percent of the cases involved ex-boyfriends.

Officials considered the increase in reports of domestic violence a sign that more women overcame fear and societal pressure and were willing to break their silence over abuse. Federal District Civil Police Chief Sandra Gomes Melo, chief of the central district's Delegacia de Mulher (Women's Precinct), stated that the increase in reporting did not signify increased violence, but more awareness among women in the Federal District of all ages, education levels, and social classes. Approximately 4,000 cases a year were filed in the precinct, out of approximately 9,000 in the Federal District (population 2.5 million). According to Chief Gomes Melo, perhaps one-third of reports result in a prosecution, but many judges opted for alternative sentencing such as therapy. The lack of confidence that the judicial system or the police could protect abused women contributed to the reluctance on the part of some women to bring lawsuits against their abusers.

According to a nationwide Avon Institute/Brazilian Institute of Public Opinion and Statistics poll conducted in February 2009, 62 percent of women and 48 percent of men knew a woman who suffered from domestic violence. Of those interviewed, 24 percent said that women continued to stay with an abusive partner for economic reasons; 23 percent, for the well-being of children; and 17 percent, because of fear for their lives. Fifty-six percent of those polled lacked confidence that the police or judicial system could protect an abused woman.

Protection of women who reported threats was not always adequate. In October in Itajai, Santa Catarina, Marcia Regina de Souza Pacheco was killed by her ex-husband in front of a police station after filing seven reports of aggression and threat. In January in Belo Horizonte, Minas Gerais, Maria Islaine de Moraes, a hairdresser, was killed at her workplace by her ex-husband. She had previously reported him five times to the authorities for threatening to kill her.

Since March 2009 the federal government has encouraged the creation of special courts for domestic and family violence, and according to the National Council of Justice, in October there were 43 special courts in 23 of the 26 states plus the Federal District. Sao Paulo State's Special Court of Domestic and Family Violence against Women doubled its capacity to handle cases.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women (DEAMs), for a total of 475 countrywide, in 397 municipalities (7 percent of the country's 5,565 municipalities). The quality of services varied, and availability was particularly limited in rural areas. For example, most of the DEAMs were in the south and southeast while 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 496 reference centers and 262 women's shelters.

The DEAM in the Federal District, considered a model, included 24-hour coverage by shift consisting of a female police chief, four policewomen, and a clerk, as well as a social anthropologist, two psychologists, and a social worker. Women who came to the precinct had a right to shelter, a forensic examination, and a kit containing clothing and toiletries. A mobile unit precinct van also provided service to underserved communities and trained community leaders, doctors, teachers, and volunteer prosecutors.

In Rio de Janeiro the city's Special Coordination to Promote Policy for Gender Equality (CEPIG) 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. CEPIG operated the Cora Coralina shelters to assist 42 domestic violence victims, two other municipal governments operated shelters (in Campos and Volta Redonda), and the state government operated one shelter with a capacity to assist 80 women. In addition to CEPIG, domestic violence victims could obtain assistance at the Center for Women's Support, an initiative of the Rio de Janeiro state government that offered a complaint hotline, shelters, and psychological and legal aid. CEPIG reported that Rio de Janeiro's Municipal Government launched a temporary shelter to assist women victims of domestic violence who need assistance when other shelters are closed.

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.

While no specific laws address sex tourism, it is punishable under other criminal offenses. The Government issued a code of conduct to combat sex tourism and sexual exploitation and conducted campaigns in the most affected areas. The Federal District and the states of Rio de Janeiro, Bahia, Pernambuco, Espirito Santo, Amazonas, and Parana have laws requiring certain businesses to display signs listing the penalties for having sexual intercourse with a minor. Women's groups reported that prostitutes encountered discrimination when seeking free medical care.

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.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in

postpartum care was generally available in urban, but not in rural, areas. The Population Reference Bureau recorded contraceptive use among married women at 81 percent, and the estimated maternal mortality rate in 2008 was 58 deaths per 100,000 live births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Women have the same political and legal rights as men, and in October a woman was elected president (see section 3).

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. According to research published in December by the Institute of Applied Economics and based on data from the Brazilian Institute of Geography and Statistics (IBGE), there were significant wage disparities between men and women.

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.—Citizenship is derived from birth in the country or from a parent. According to the SEDH, approximately 9 percent of the children born in the country in 2008 were not registered, and an estimated total of 248,000 children did not have birth certificates. The federal government's year-old campaign to increase reported births and standardize certification focused on the north and northeast regions and on the more vulnerable and rural populations and aimed to reduce unregistered births to 5 percent by year's end. However, registration discrepancies remained between the more affluent states of the south and southeast and the poorer states of the north and northeast regions of the country. The states with the highest incidence of unregistered children were Amazonas, Para, and Maranhao. On September 6, the National Justice Council published a provision establishing a network between registries and hospitals intended to speed up the process of issuing birth certificates.

While the law prohibits subjecting any child or adolescent to negligence or abuse, such abuse was a major problem and included rape, molestation, and impregnation of girls by family members. The SEDH oversees the National Program to Confront Sexual Violence Against Children and Adolescents, which established nationwide strategies for combating child sexual abuse and best practices for treating victims. The SEDH funded municipal and NGO projects throughout the country to support services for victims of sexual abuse.

From January to June, the SEDH-operated National Hotline of Sexual Abuse and Exploitation against Children and Adolescents registered 20,263 reports of abuse, approximately the same as for that period in 2009. There were 2,478 reported cases of sexual exploitation, 4,741 cases of sexual abuse, 5,769 cases of neglect, and 7,209 of physical or psychological violence. Approximately 58 percent of the victims were girls; in such cases, the usual complaints were negligence and sexual violence. Approximately 80 percent of victims of child and adolescent sexual abuse were girls, who also suffered slightly more than boys from physical and psychological aggression. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

According to the NGO Children's Network to Combat Violence, which operated three centers in the Sao Paulo municipal area, the number of reported cases of sexual abuse and physical aggression against children increased, outpacing the centers' capacity and creating a waiting list for those seeking treatment. The NGO reported a decrease in the average age of victims.

Child prostitution was a problem, with extreme poverty the primary contributor. The Federal Police continued to estimate that more than 250,000 children were involved in prostitution. The law sets a minimum age for consensual sex of 14 years, with the penalty for statutory rape ranging between eight and 15 years in prison. The national telephone hotline registered 9,600 reported cases of sexual exploitation of children and adolescents between January and September.

On August 23, the SEDH signed an agreement with 24 major state and private companies, including Petrobras and Vale, to combat sexual exploitation of children and adolescents related to major construction projects throughout the country.

According to the NGO Reference Center on Children and Adolescents, patterns of sexual exploitation of children corresponded to the distinct economic and social pro-

files 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, sex tourism exploiting children continued and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and 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 law criminalizes child pornography. The penalty for possession of child pornography is up to four years in prison and a fine. Those who produce, reproduce, or offer for sale child pornography or recruit a child to participate in a pornographic production may be imprisoned up to eight years and fined.

Although the country is not a large-scale producer of child pornography, such material was spread during the year on social-networking Web sites.

The primary federal program to assist child victims of commercial sexual exploitation, according to the Ministry of Social Development, was the Service to Fight Violence, Abuse, and Sexual Exploitation of Children and Adolescents (formerly the Sentinel Program). It provided victims with psychological, social, and legal services through Social Assistance Specialized Reference Centers that are managed locally 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. Five states had laws requiring businesses such as hotels and restaurants to display such materials. The Federal Highway Police and the International Labor Organization (ILO) published data on places such as gas stations, bars, restaurants, motels, and nightclubs along highways considered to be areas for sexual exploitation of children and adolescents.

The SEDH provided federal government support for programs to identify, protect, and assist victims of child sexual abuse in the 26 state capitals and in the Federal District. In the city of Rio de Janeiro, the Secretariat for Social Assistance coordinated aid to street children and minors who were victims of sexual abuse and exploitation. According to the Rio de Janeiro Human Rights Center, the city maintained five centers that provided social services, counseling, and shelter, although the city discontinued its hotline for reporting cases of child sexual abuse and exploitation in January. 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.

Rio de Janeiro's Municipal Specialized Reference Centers of Social Assistance (CREA) reported that in the first half of the year, 13.3 percent of victims that received CREA support were children and adolescents, up from 8.6 percent in 2009 and 5.4 percent in 2008. The Rio de Janeiro Municipal Secretariat for Social Assistance had 11 CREAs and 17 shelters (eight public and nine private) to provide assistance to child and adolescent victims of sexual abuse and exploitation.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—According to the country's Jewish Confederation, there were approximately 125,000 Jewish residents, of whom approximately 65,000 were in Sao Paulo State and 40,000 in Rio de Janeiro State. 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 materials and mandates a two- to five-year prison term. Nonetheless, there were manifestations of anti-Semitism in the comparison of Israel to Nazis in the media.

Anti-Semitism was rare; however, there were reports of anti-Semitic graffiti, other acts of vandalism, harassment, and threats via telephone and e-mail. Anti-Semitic Web sites continued to operate. Small groups of skinheads, neo-Nazis, and white supremacists operated on the political fringe in Rio Grande do Sul and Sao Paulo states, perpetrating harassment and violence toward Jews and other minority groups. Law enforcement agents monitored these groups.

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 that the violence against Jews decreased

within the state due to the police work to control skinhead group's actions, but there were anti-Semitic epithets directed at Orthodox Jews in some of Sao Paulo's traditionally Jewish neighborhoods.

In Porto Alegre, Rio Grande do Sul, members of the political Party of Socialism and Liberty called for the end of the Israeli state during their allotted electoral campaign television time. The city of Porto Alegre, which has an estimated 15,000 Jews, experienced several neo-Nazi attacks in the past, including the desecration of a cemetery and synagogue. A 2009 plot to bomb two synagogues was also discovered.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 disabilities, such persons had continued difficulty in securing necessary accommodations.

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. According to the IBGE, 30 million citizens had some form of disability. The 2010 census included improved reporting techniques identifying persons with disabilities for the purpose of creating reliable statistics to be used for the creation of future public policy. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SEDH, have primary responsibility for promoting the rights of persons with disabilities. According to the Secretariat of Human Rights, specific challenges included the short supply of affordable orthotics and prosthetics for those who could benefit from them but could not afford them; availability of affordable housing with special adaptations to those with special needs; accessibility to public transport able to accommodate the needs of physically disabled persons, (for example, by adapting bus and subway terminals with handicap ramps, elevators); accessibility to schools with facilities (restrooms, classrooms, sidewalks, ramps) for physically challenged persons; combating social exclusion; and raising awareness of the rights of persons with disabilities through the advancement of Internet access and media campaigns.

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 approximately 45 percent of 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 below those of whites in similar positions. There was also a sizeable racial education gap.

The Racial Equality Statute was approved by the Senate on June 16 and signed into law by the president on July 20. Among its many provisions, the new law provides for the establishment of nonquota affirmative action policies in education and employment, stipulates access to health care, reaffirms compulsory teaching of African and Brazilian black history in schools, and recognizes the right of communities of descendants of escaped slaves (quilombos) to receive title to their land.

Seventy universities maintained affirmative action programs, including 18 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. For instance, the University of Brasilia (UnB) was the first federal university to establish quotas, in 2005, and 18 percent of students taking the entrance exam that year were beneficiaries. Prior to the quota, approximately 2 percent of UnB students were black. The UnB enrolled 963 self-declared students of color during the year, compared with 785 in 2009, using a 20 percent quota for admissions tests. Approximately 17 percent of the total number of enrolled UnB undergraduates at the end of 2009 benefited from quotas, including small numbers of indigenous students.

Indigenous People.—The National Indigenous Foundation (FUNAI) estimated that there were more than 600,000 indigenous persons in 225 societies on indigenous

lands, speaking 170 different languages. These indigenous persons lived in 4,774 villages in 615 indigenous lands covering 12 percent of the national territory. Approximately 99 percent of the indigenous lands were concentrated in the Amazon and center-west of the country. An additional 100,000 to 190,000 indigenous persons lived outside these indigenous lands, including in urban environments. The newspaper *O Estado de S. Paulo* reported increased indigenous political representation, including five mayors and 90 city council members.

The Government estimated that more than half of the country's indigenous persons lived 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.

The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. Although problems persisted, the Government made some progress in securing these rights. The law provides indigenous persons exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case. The Government administered the lands but must consider the views of affected communities regarding their development or use, and communities had 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. In February the Government decided to proceed with construction of the Belo Monte hydroelectric dam on the Xingu River in Altamira, Para, despite the objections of indigenous leaders.

While the 1988 constitution charges the federal government with demarcating indigenous areas within five years, the Government had not completed the four phases of demarcation (identification, declaration, approval, and registration).

The landmark March 2009 decision by the Supreme Court upholding demarcation of the Raposa Serra do Sol indigenous reserve bordering Venezuela and Guyana set a precedent in favor of demarcation of indigenous lands as single contiguous territories.

A December 2009 presidential decree defined significant structural changes to FUNAI, including closure of many field posts. In protest against what was perceived as limited dialogue with indigenous leaders, a large number of indigenous men, women, and children camped in front of the Congress and Justice Ministry in Brasília early in the year. Attempted forced removal of this group in April by Federal District police led to charges of violence and police brutality.

Most conflicts between indigenous and nonindigenous persons concerned land ownership or resource exploitation rights. In Mato Grosso do Sul State, denial of access to traditional lands as well as extreme poverty and related social ills led to high rates of infant mortality and violence, including murder and suicide. There were no known developments in the investigation into the January 2009 suicides of six members of the Guarani-Kaiowa tribe in Mato Grosso do Sul.

There were no known developments in the Public Ministry investigation into the September 2009 attack on the Guarani-Kaiowa community of Apyk'y.

A March 24 provisional measure by the federal government created the Special Indigenous Health Secretariat. After approval by both houses of Congress, President Lula signed creation of this special secretariat into law on October 19. The project transfers responsibility for all indigenous health and village sanitation matters from the National Health Foundation to the Ministry of Health.

According to the Ministry of Education, 70 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Federal law does not prohibit discrimination based on sexual orientation, but several states and municipalities such as Sao Paulo had administrative regulations that bar discrimination based on sexual orientation and provide for equal access to government services.

On April 27, the STF decided in favor of a gay couple adopting a child, rejecting a request from the state prosecutor's office of Rio Grande do Sul that the STF overturn a state court decision in favor of the couple.

NGOs organized gay pride or sexual diversity parades in approximately 30 cities during the year, with cooperation and support from most large municipal governments. The Sao Paulo Gay Pride Parade Association estimated that more than three million persons participated in the annual parade on June 6.

Many municipalities conducted public awareness programs during the year aimed at reducing homophobia. In August the Rio de Janeiro state Secretariat for Public Security created a public security taskforce to promote lesbian, gay, bisexual, and transgender rights and established a hotline for reporting crimes motivated by homophobia. This taskforce also informed training courses for military police recruits.

Between January and September, the NGO Bahia Gay Group received 165 reports of killings in the country based on sexual orientation and gender identity, an increase from 115 during the same period in 2009. Gay men were the most affected group, followed by transvestites and lesbians. On June 21, 14-year-old Alexandre Thome Ivo Rajao was beaten and killed after he and his friends reported threats by a group of skinheads to a police precinct in Rio de Janeiro; three suspects were arrested. Activist groups claimed that violence against gay, lesbian, and transgender persons and, in particular transvestites, was underreported (see also section 1.a.). NGOs reported routine police harassment of transvestite prostitutes.

On December 7, military police announced their intention to increase foot patrols on Avenida Paulista, a major thoroughfare in Sao Paulo, after what were believed to be homophobia-related attacks on five persons in the space of three weeks. On November 14, a group of five individuals allegedly beat four persons in three separate attacks while shouting homophobic epithets. Authorities arrested four suspects in the case.

In January the Rio de Janeiro state government created the Reference Center against Homophobia and Religious Intolerance. The center provides legal, psychological, and social assistance to the victims of violence and/or discrimination.

Other Societal Violence or Discrimination.—There were no reported cases of societal violence or discrimination based on persons with HIV/AIDS during the year.

Section 7. 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 valid, the MTE does not register the union. Union organizers may challenge this decision in labor courts.

The law stipulates certain restrictions, such as “unicidade” (one per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade. While a number of competing unions existed, the MTE and the courts enforced unicidade in decisions regarding the registration of new unions.

The law 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 estimated in 2009 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 in 2009 for 28.2 percent of the labor force, a decrease from 2008; most unregistered workers were in agriculture.

Intimidation and killings of rural union organizers and their agents continued. 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.).

There were no known developments in the August 2009 shooting of Elio Neves, president of the Rural Salaried Employees of Sao Paulo State and known for his representation of sugarcane workers, in Riberão Bonito, Sao Paulo. Neves survived the shooting.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters. The civil police are allowed to conduct strikes, and workers exercised this right in practice.

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 a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues to it.

The law permits the Government to reject clauses of collective bargaining agreements that conflict with 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 implementing legislation has never been enacted.

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. 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.—The law prohibits “reducing someone to a condition analogous to slavery,” and the Government acted to enforce the law. The concept of slave labor includes not only forced and compulsory labor but also extremely arduous labor and labor performed in degrading working conditions. Such labor, including by children, occurred in some states, in activities such as forest clearing to provide cattle pastureland, logging, raising livestock, and agriculture, such as citrus cultivation. According to the MTE's Secretariat of Labor Inspections, forced labor in production of charcoal and harvesting sugarcane decreased. Forced labor often involved young men drawn from the impoverished northeast states—Maranhao, Piaui, Tocantins, Para, and Ceara—and Goias, to work in the northern and central-western regions of the country. Women and adolescents, the latter typically working with their parents, also were involved in forced labor activities. The ILO estimated that there were approximately 25,000 forced laborers at any given time during the year.

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, and the MTE increased resources dedicated to conducting inspections. Federal Police accompanied mobile unit inspectors on raids to provide protection. 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. Mobile teams levied fines on estate owners who used 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 faced resistance and often worked under dangerous conditions.

Labor intermediaries trafficked many forced laborers to remote estates, where victims were forced to work in harsh conditions until they repaid inflated debts related to 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.

Violators of forced or compulsory labor laws faced sentencing of 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 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 ju-

diciary, 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. In March 2009 there were 27 prosecutions in one landmark decision from a federal judge in Para. The 2009 decision to clarify the competence for forced and child labor cases rests with the federal judiciary, and not the states, has brought an increase in sentences. However, the 12-year statute of limitations and long case backlogs allows for employers to avoid serving their sentences. The large number of labor courts makes it difficult for the judiciary to compile accurate statistics on prosecutions.

The number of labor inspections conducted by the MTE increased during the year. From the beginning of the year through September 17, the MTE's Mobile Inspection Unit freed 1,479 slave laborers in 69 operations on 168 properties. Of the workers freed, 338 were in Para, 343 in Goias, and 228 in Santa Catarina. Payments of indemnities to the workers totaled approximately 5.4 million reais (\$3.2 million).

There were the following notable cases:

On March 17, labor inspectors in Sao Paulo State conducted a raid in which 16 Bolivian nationals and one Peruvian were found working in a sweatshop under forced labor conditions. Labor inspectors recorded 43 infractions and issued fines totaling 637,000 reais (\$381,000). Workers were constantly monitored and paid by the piece for sewing women's clothing for suppliers of a national retail chain. Their documents were withheld, and they had to work to pay inflated debts incurred while crossing the border illegally. They worked, ate, and slept in unsanitary conditions in a workshop in Vila Nova Cachoeirinha, an area in the northern part of greater Sao Paulo.

On August 11, an MTE Mobile Inspection Unit released 45 rural workers working under forced labor conditions at the Fazenda Zonga in Maranhao State, the sixth such federal intervention made at this firm in the previous 14 years. Workers received less than minimum wage, the housing offered was a small wooden shack shared by 30 men with hammocks for beds, there were no showers, and according to an inspection by the Federal Police, the food served was rotten and contained worms. The owner of the fazenda had never been convicted for any of these crimes, although federal courts have filed four lawsuits since 2003.

On December 1, Sao Paulo labor inspectors conducted a raid on a facility between the city of Sao Paulo and the port city of Santos. Authorities found approximately 40 persons in forced labor conditions, with their documents and salary withheld. The men, half of whom were from the northeastern part of the country, were hired to do maintenance on railroad tracks. Inspectors found overcrowded housing, poor sanitation, and unsafe living conditions (primarily related to faulty electrical wiring), as well as reports of physical threats and verbal abuse. Authorities arrested the owner of the company, a subcontractor, and investigated possible fines for others who had benefited financially from the forced labor.

In November 2009 a judge convicted Eduardo Dall Magro, owner of a rice and soy plantation in Ribeiro Goncalves, Piaui State, for having 21 workers in conditions analogous to slavery and sentenced him to three years and four months in prison, his farm manager to two years and eight months in prison, and his labor recruiter to three years' imprisonment. All three were also fined and, at year's end, were free pending appeal.

The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to workers, and placing the names of violators on a "dirty list" (lista suja) that is published every six months on the Internet. The December 31 list included 220 employers in 19 states that used their workforce in conditions analogous to slave labor, with 88 new names of employers listed and 17 removed. A large number of companies listed were in the states of Para, Maranhao, and Mato Grosso. Each listed employer is reviewed after two years to determine if the irregularities identified have been corrected, in which case the employer is removed from the list. Although the decree that created the list does not prohibit granting credit to listed persons or companies, the Ministry of National Integration recommended denying financing and other assistance to violators, and some financial institutions decided to do so on their own initiative. The Bank of Brazil, National Development Bank, and the Caixa Economica Federal denied credit to landowners using slave labor, and some sectors of the economy refused to buy products from producers on the list. In one case involving the world's largest sugarcane producer, its listing generated legal action that resulted in a ruling on January 8 by the federal Superior Labor Court requiring that the company be removed from the list.

On September 8, a judge in Para upheld civil penalties in the 2008 slave labor case against a cacao plantation employer in Placas, Para.

The National Pact for the Eradication of Slave Labor is a multistakeholder initiative that included more than 220 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. Companies that have signed the pact represent more than 20 percent of the country's gross domestic product.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although child labor is prohibited, it continued to be a problem, particularly in homes and the informal sector. Children were found working on cotton, manioc, pineapple, rice, and tobacco farms. A 2008 study by the Government's Applied Economic Research Institute showed that 1.7 million children between the ages of five and 14 (approximately 5 percent of the total in that age group) worked in the country's economy, based on data from the 2007 National Household Survey. According to the 2009 National Household Survey conducted by the IBGE, the number of children between the ages of five and 17 working in the economy fell from 8.4 million in 1992 to 4.25 million in 2009. According to the IBGE's National Household Survey, 0.7 percent of the population age five to nine was working, 6.9 percent of the population aged 10 to 14, and 27.4 percent of the population age 15 to 17. In a quadrennial report released on May 7, the ILO recognized the country's government and civil society for their comprehensive efforts aimed at preventing and eliminating child labor, as well as cooperation with other countries such as South Africa and India. The Government continued to cooperate with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.

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.

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 9 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.

Children were involved in a range of activities, including livestock raising and agriculture, including sugarcane, cotton, rice, pineapples, and manioc, as well as the production of ceramics, bricks, charcoal, and sisal. The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. They suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection.

The MTE is responsible for inspecting worksites to enforce child labor laws; its regional offices have 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 August, inspectors found and released 2,656 children and adolescents working illegally, a decrease compared with 2009. MTE units dedicated to detecting illegal child labor conducted 1,741 inspections during that period, representing an increase over the previous year. 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 \$240) per violation up to a maximum fine of 2,013 reais (\$1,205); the fine doubles for a second violation and triples for a third. In practice few employers received fines for employing children.

The Government implemented innovative 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. Through the Social Development Ministry, the Bolsa Familia program provided a monthly stipend to low-income families that keep their children up to age 17 in school and meet certain child-health re-

quirements. PETI serviced more than 850,000 children in 3,500 municipalities. The Bolsa Familia served more than 12 million households nationwide.

The NGO, Centers for the Defense of Children and Adolescents, was 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.

In collaboration with the Government, civil society also took actions to prevent and abolish child labor. The National Forum for the Eradication and Prevention of Child Labor, which includes governmental and civil society representatives, mobilized institutional agents involved in developing policies and programs to eliminate child labor. The toy industry's Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. All major labor organizations had programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

e. Acceptable Conditions of Work.—The Government adjusts the minimum wage annually through a provisional measure from the president, citing a percentage increase for inclusion in the annual budget based on consultations among the Ministries of Finance and Social Security, Congress, and the presidency (but not with workers or employers). In January the minimum wage increased to 510 reais (approximately \$310) per month. The IBGE estimated that approximately 26 percent of workers earned the minimum wage or less in 2008. According to the IGBE, 19 percent of urban families' income was less than half the minimum wage per capita in 2009, down from a reported 26 percent in 2008. In the North (30.7 percent) and Northeast (36.3 percent), percentages were higher than the national average; the region with the least poverty was the South (10.9 percent in this situation), followed by the Southeast (12.2 percent) and Central West (16.4 percent). The national minimum wage did not provide a decent standard of living for a worker and family. According to the Department of Statistics and Socioeconomic Studies, a worker would need a monthly salary of 2,223 reais to cover basic living expenses, a figure 4.35 times the minimum wage.

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 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 32,949 persons for work-related accidents from January to September. 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 34.2 million, is a constitutional monarchy with a federal parliamentary form of government. In a free and fair multiparty federal election held in 2008, the Conservative Party, led by Stephen Harper, won a plurality of seats and formed a second successive minority government. Security forces reported to civilian authorities.

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.—The Government or its agents did not commit any politically motivated killings, but a few law enforcement-related deaths remained under investigation.

On June 24, an Ontario Provincial Police (OPP) officer shot Aron Firman with a Taser during a confrontation in Collingwood, Ontario. Firman subsequently died at a nearby hospital. On December 7, the Special Investigations Unit (SIU) released a report concluding that the Taser caused Firman's death but that the officer's use of the Taser did not constitute excessive force because the officer was not aware that the Taser could be lethal.

On July 17, Royal Canadian Mounted Police (RCMP) officers shot and killed Corey Lewis of Okotoks, Alberta, after a three-hour standoff at Lewis' home. A preliminary investigation by the Alberta Serious Incidents Response Team found that Lewis was holding an umbrella, rather than a weapon, when the RCMP officers killed him.

On August 29, a Pickering, Ontario, police officer fatally shot Reyald Jensen Jardine-Douglas after a confrontation between the officer and Jardine-Douglas. The family of Jardine-Douglas asserted that he suffered from a mental illness. An SIU inquiry remained pending at year's end.

On September 29, Toronto police shot and killed Eric Osawe during the execution of a search warrant at Osawe's apartment. On December 1, the SIU charged Constable David Cavanaugh with manslaughter in connection with Osawe's death after finding "reasonable grounds" to believe that Cavanaugh had committed a criminal offense.

After reviewing the recommendations of a December 2009 Policing Standards Advisory Council report on Tasers, on March 29, Ontario announced new guidelines and training standards for the police use of Tasers. The new guidelines state that Tasers "are generally intended for use in situations where subjects are threatening or displaying assaultive behavior," but police could use them in other circumstances, taking into account the need for control of a suspect. The guidelines standardize rules for Taser training and recommend that officers avoid using Tasers on "vulnerable" subjects, including persons who are handcuffed, pregnant, elderly, young, visibly frail, or in control of a moving vehicle.

On May 5, the RCMP announced that it had tightened its rules for the use of Tasers. The new guidelines restrict Taser use to cases in which a person is causing bodily harm or an officer has "reasonable grounds" to believe a person will "imminently" harm someone. The guidelines also require a verbal warning "when tactically feasible" before an officer fires a Taser.

On December 12, the Commission for Public Complaints Against the RCMP issued a report stating that RCMP officers were still hog-tying suspects even though RCMP regulations generally forbade the technique. The RCMP had used the hog-tying method in 40 percent of cases in which a suspect died after being hit by a Taser. The Commission recommended that RCMP officers receive more training on identifying, dealing with, and using force on the mentally ill and those with drug and alcohol problems. It also suggested the creation of a national database of all deaths occurring in police custody.

There were no developments in the inquests into two 2008 deaths at the hands of Peel, Ontario police: the shooting of Gregg Moynagh of Mississauga and the Taser death of Sean Reilly of Brampton.

On July 19, the mother of Michael Langan filed a civil lawsuit against the city of Winnipeg, several Winnipeg police officers, and Taser International, Inc. in connection with the 2008 death of her son after Winnipeg police stunned him with a Taser.

On April 1, the RCMP issued a formal apology to, and reached a financial settlement with, the mother of Robert Dziekanski, who died in 2007 after four RCMP officers used a Taser to subdue him at the Vancouver International Airport. On April 2, the Commissioner of the RCMP acknowledged that its officers "fell short" in handling the Dziekanski case and stated that investigation of future incidents involving RCMP officers would be turned over to British Columbia's civilian oversight body. On June 18, a British Columbia inquiry into the fatality issued the second of two reports. The report found that the four RCMP officers were "not justified" in using a Taser during the incident and that the deployment of the Taser "contributed substantially" to Dziekanski's death. The report recommended, among other measures, that British Columbia create a civilian-based criminal investigative body to investigate all incidents occurring in the province in which a person suffers "serious harm" at the hands of the police. On June 30, the British Columbia attorney general

announced the appointment of a special prosecutor to reexamine whether the province should bring criminal charges against the RCMP officers involved in Dziekanski's death. The attorney general also stated that the province would within one year establish an independent civilian agency to investigate police-related deaths and serious injuries. The agency would have the authority to investigate the RCMP and municipal police.

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 monitoring visits by independent human rights observers.

There were on average 38,000 prisoners and detainees, including 1,900 juveniles, on any given day in 2008, the year for which statistics were most recently available. Women composed approximately 4 to 6 percent of the total number of prisoners. Prisoners and detainees had reasonable access to visitors and prison officials permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane behavior and documented the results of such investigations in a publicly accessible manner. The Government investigated and monitored prison and detention center conditions.

On September 8, the Correctional Investigator of Canada (CIC) issued a report concerning deaths in official custody. The report reviewed the 2007 death of a mentally ill teenager in prison and nine other deaths in custody. The report recommended that prisons avoid placing mentally ill detainees in prolonged segregation, provide round-the-clock health-care coverage, and train front-line staff on how to manage prisoners at risk of self-injury.

On September 23, the CIC reported that the prison system was “warehousing” mentally ill offenders because of a lack of funding for services and gaps in accountability. The CIC focused on the correctional service's failure to implement “intermediate” mental health care for those who fell between needing primary care and acute inpatient care. The CIC contended that many inmates suffering from mental illness “fell through the cracks” because they do not meet the admission criteria for psychiatric hospitals. The CIC recommended that Correctional Services Canada fully fund its mental health program, develop mental health delivery partnerships with the provinces, and focus on care guidelines for mentally ill prisoners.

On December 7, the Ottawa Police Service (OPS) asked the OPP to investigate allegations of abuse arising from videotapes that allegedly showed Ottawa police officers kneeling, kicking, and strip searching prisoners in the OPS's cellblocks. On December 19, a former detainee filed a C\$1.2 million (\$1.17 million) lawsuit against the OPS, contending the police violated her rights after an officer kicked her and cut off her bra and shirt while she was in custody.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in 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; 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. Detainees were released immediately after being charged, unless a judge deemed continued detention necessary to ensure the detainee's attendance in court, for the protection or safety of the public, or due to the gravity of the offense.

In late June police arrested approximately 1,105 individuals for alleged criminal acts related to protests, vandalism, and property damage during the G20 leaders' summit in Toronto. Police held individuals in a temporary detention facility. Civil liberties groups alleged that police arrested individuals arbitrarily, detained some individuals for longer than 36 hours, denied them access to lawyers, threatened

them, or used excessive force. Police released more than 800 individuals unconditionally or without filing charges. According to the Ontario attorney general, police charged 304 individuals. After court appearances, authorities dismissed, stayed, or withdrew charges in 166 cases, six individuals pled guilty, and police issued arrest warrants for four individuals who failed to appear at court. Charges against 128 individuals remained pending at year's end.

The Ontario attorney general, the SIU, the Toronto Police Services Board, and the Ontario ombudsman announced that they would launch separate investigations of police conduct during the G20 summit. The Toronto police also initiated an internal review of police methods employed during the protests.

On August 6, a plaintiff filed a class-action lawsuit on behalf of the estimated 800 persons whom police arrested and released without charge. On September 1, two individuals filed a second class action lawsuit on behalf of those the police detained at the temporary detention center.

On November 3, the chief of the Toronto police announced that the Toronto Police Service would bring administrative charges against "approximately 90 officers" for removing their name tags during the G20 summit protests.

On November 23, the SIU announced that after investigating six separate cases involving the Toronto police's alleged use of excessive force during the G20 summit, it would not bring any charges. The SIU stated that although "reasonable grounds" existed to believe that the police used excessive force, it could not identify the individual officers involved. On December 1, the SIU reopened its investigation after receiving new evidence about the Toronto police's alleged use of excessive force. On December 21, the SIU charged Police Constable Babak Andalib-Goortani with one count of assault with a weapon for his involvement in the arrest of a bystander.

On December 7, the Ontario ombudsman released a report criticizing the Government of Ontario for using "in secret" a World War II-era law to grant the police extra powers to question and detain individuals during the G20 summit. The ombudsman said Ontario's action was "likely illegal and unconstitutional." The ombudsman recommended that the provincial government should either repeal the law or revise it so that the public had more notice when it was invoked.

The investigations of the Ontario attorney general, the Toronto Police Services Board, the Toronto police, and the lawsuits remained pending at year's end.

Noncitizens may be detained and deported on national security grounds under immigration security certificates. 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 who determines its "reasonableness" and upholds or revokes the certificate. A judge may order an individual detained during the security certificate removal process if the Government considers that the individual presents a danger to national security or is unlikely to appear at the proceeding for removal. If a judge determines that an individual faces a risk of torture or death in the individual's country of origin greater than the risk the person poses by remaining in the country, the judge may stay the removal order, and the individual may be detained pending deportation or released subject to monitoring.

Individuals subject to a security certificate may see a summary of confidential evidence against them. Authorities provide full disclosure to court-appointed, security-cleared lawyers ("special advocates") who can review and challenge the evidence on the behalf of these individuals, but may not show to or discuss the material with them. The law establishes strict rules on disclosure and 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 mechanisms for review and appeal.

At year's end three individuals were subject to security certificates. On December 9, the Federal Court of Canada upheld the reasonableness of a certificate against one of the individuals who continued to live in the community under strict conditions pending appeal or deportation. Hearings into the validity of the certificates against the two other suspects remained in progress. Both lived in the community subject to restrictions. There were no reported developments in the December 2009 government review of the national security certificate program.

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. 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 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.

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 access to a court to bring a suit seeking damages for, or cessation of, a human rights violation. Remedies can be monetary, declaratory, or injunctive. Federal or provincial human rights commissions may also hear alleged human rights violations, although these bodies follow 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. The independent media were active and expressed a wide variety of views without restriction.

The Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. It also has ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms, the country's constitutional bill of rights. 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 content 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 (CHRT) to enforce the law in areas of federal jurisdiction. In addition, each province has its own human rights code. Some persons argued that the hate speech laws limit freedom of speech and criticized the requirement that commissions process all complaints received, the procedures commissions used to investigate and adjudicate complaints, and the ability of complainants to file identical complaints with several provincial commissions, each of which may adjudicate without attention to others.

On May 7, the Supreme Court found that journalists do not have a constitutional right to conceal confidential sources from law enforcement. The Court declared that journalists enjoy a qualified privilege to withhold confidential documents. However, the Court placed the burden on the media to invoke this privilege and emphasized that lower courts needed to consider each case on its own merits.

On September 27, the Federal Court dismissed an appeal of the Government's decision to bar George Galloway, a former member of the British Parliament, from entering Canada. The court found that the Government's decision was based on its disagreement with Galloway's political views but rejected the appeal, brought by individuals who had invited Galloway to speak, because Galloway never actually tried to enter the country.

On March 30, an individual filed an appeal of a December 2009 Alberta provincial court decision that had overturned a 2008 order of the Alberta Human Rights and Citizenship Commission against Reverend Stephen Boissin. The Commission found that Boissin violated the province's human rights code by writing a letter critical of homosexual conduct. The appeal remained pending at the end of the reporting period.

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

national Telecommunication Union reported that there were 80 Internet users per 100 inhabitants in 2009.

The CHRC investigates complaints about hate messages on Web sites and may forward cases to the CHRT for action.

There were no known developments in the CHRC's appeal to the Federal Court of the CHRT's decision finding section 13(1) of the Human Rights Act, which prohibits the telephonic dissemination of hate speech, unconstitutional under the Charter of Rights and Freedoms.

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.—For a complete discussion, please see the 2010 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 country's laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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. The Government accepted refugees for resettlement from third countries and facilitated local integration (including access to naturalization), particularly of refugees in protracted situations.

On June 28, the country passed legislation to expedite processing times for refugee claims and ensure timely removals of failed claimants. Effective in 2011-12, the Immigration and Refugee Board (IRB) will interview an applicant within 15 days of the initial claim, conduct a hearing within 60 days, and render a decision within 90 days (or 60 days for applicants from countries designated as unlikely to generate legitimate refugee claims). The legislation created a new Refugee Appeal Division (RAD) within the IRB, which will rule on appeals within 120 days, or within 30 days for claimants from safe countries of origin. The legislation aims to remove refugee applicants from Canada within one year after a negative decision from the IRB.

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.—Political parties operated without restriction or outside interference.

There were 67 women and five indigenous persons in the 308-member federal House of Commons; 37 members were born outside the country. There were 37 women and six indigenous persons in the 105-seat Senate (whose members are appointed by the governor general on the advice of the prime minister); 13 members were born outside the country. Women held 10 seats in the 38-member cabinet. Four of the nine members of the Supreme Court, including the chief justice, were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of govern-

ment corruption during the year. The Federal Accountability Act provides for transparency and accountability in government. The Office of the Public Sector Integrity Commissioner reports annually on allegations of corruption. A commissioner of lobbying administers a national registry of lobbying of designated public office holders.

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. Provincial governments provide independent audits of government business and ombudsman services. Elected office holders (but not other public officials) are subject to financial disclosure laws for personal assets.

The law permits public access to government information, and in practice the Government granted access for citizens and noncitizens, including foreign media. The law provides for denial of legal requests for information on limited and specific grounds, for which reasons are given and cited in law, and there is a mechanism to appeal denials. 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.

On June 17, the Supreme Court announced a limited constitutional right to obtain suppressed information if the person seeking the documents shows that withholding them “precludes meaningful discussion on matters of public interest.” However, the Government may still refuse to produce the requested information if it is privileged or its disclosure would “impact the proper functioning of affected institutions,” said the Court.

Section 5. 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.

Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers considered them effective. Parliamentary human rights committees operated in the House of Commons and the Senate. The committees acted independently of government, conducted public hearings, and issued reports and recommendations to which the Government provided written, public, and timely responses.

On January 29, the Supreme Court ruled that the Government must provide a remedy for breaching the constitutional rights of Omar Khadr, a Canadian citizen detained at Guantanamo Bay, when Canadian officials questioned him in custody in 2003 and 2004. The Supreme Court declined to specify an appropriate remedy, deferring relief to the discretion of the Government in recognition of the executive’s exclusive jurisdiction over foreign affairs. On July 5, in a separate motion, the Federal Court of Canada found the Government’s redress to Khadr insufficient, and directed the Government to submit a list of remedies (including potential repatriation) to the court by July 12. On July 22, the Federal Court of Appeal stayed the lower court’s order pending appeal. On July 21, Khadr filed a contempt of court motion against the prime minister and the foreign minister for failing to meet the deadline for redress stated in the Federal Court order. The contempt motion remained pending at year’s end. On October 25, Khadr pled guilty to five charges, including war crimes, murder, and providing material support to terrorism, as part of a plea bargain that capped his sentence at eight years in custody. After serving one year of his sentence, Khadr will become eligible to request a transfer to serve his remaining prison term in Canada.

There were no further developments in the November 2009 arrest of Rwandan immigrant Jacques Munzwari on war crimes charges related to the 1994 Rwandan genocide. Munzwari was the second individual to be charged under the country’s Crimes against Humanity and War Crimes Act.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the Government enforced the law effectively.

Women.—The law criminalizes rape, including spousal rape, as sexual assault, and the Government enforced the law effectively. Penalties for sexual assault carry sentences of up to 10 years in prison, up to 14 years for sexual assault with a restricted or prohibited firearm, and between four years and life imprisonment for aggravated sexual assault with a firearm or committed for the benefit of, at the direction of, or in association with, a criminal organization. The Government’s statistical office reported there were 20,931 reported incidents of sexual assault, sexual assault

with a weapon or firearm causing bodily harm, and aggravated sexual assault in 2009 against female and male victims. Government studies indicated that sexual assault victims reported less than one in 10 incidents to police and that the rate of sexual victimization for females was approximately five times the rate for males.

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, aggravated assault, intimidation, mischief, or sexual assault. Persons convicted of assault receive up to five years in prison. Assaults involving weapons, threats, or injuries, carry terms of up to 10 years, and aggravated assault or endangerment of life carry prison sentences of up to 14 years. The Government enforced the law effectively. Studies indicated that victims of domestic violence and spousal abuse underreported incidents.

Indigenous (Aboriginal) persons were more than three times more likely to be victims of spousal violence than nonindigenous persons.

The federal statistical agency reported that there were approximately 569 shelters for abused women; the shelters provided emergency care, transition housing, counseling, and referrals to legal and social service agencies. Shelters admitted more than 101,000 women and children in 2008, of whom approximately three-quarters had fled abusive situations. Police received training in treating domestic violence, and agencies provided abuse hotlines. The Government's family violence initiative involved 12 departments and a cabinet ministry, the Status of Women Canada. These entities worked to eliminate systemic violence against women and advance women's human rights.

Studies of culturally driven violence against women estimated that 12 "honor" killings had occurred in the country since 2002. The law does not define the specific offense of "honor" killings. Police may charge suspects with homicide, which carries a maximum penalty of life in prison. The Government enforced the law effectively.

On November 23, an Ontario court sentenced a Toronto-area Tamil man to five years in prison after he pled guilty to three counts of aggravated assault for ramming his teenage daughter, her boyfriend, and another family member with his minivan in 2007. The father allegedly disapproved of the boyfriend because he was of a lower social caste and because the father believed that his daughter's relationship with the youth would dishonor the family. In its ruling, the court emphasized that individuals could not use cultural differences to justify committing criminal acts.

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.

Couples and individuals freely exercised their reproductive rights. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care. In 2008, according to UN Inter-Agency estimates, the maternal mortality rate was 12 deaths per 100,000 live births. Women had equal access with men to diagnosis and treatment for sexually transmitted infections, including HIV. A 2009 Canadian university obstetrical study indicated that 85 percent of Canadian sexually active female respondents used some form of birth control.

Women were well represented in the labor force, including business and the professions. Women did not experience economic discrimination in access to or in the terms of employment, credit, or pay equity for substantially similar work, or owning and/or managing businesses, although some equality and labor groups reported an erosion in women's economic and social status, including access to child care, and resources to protect equality rights. Status of Women Canada, headed by a cabinet-level minister, promoted the legal rights of women. According to the federal statistical agency, 62.6 percent of women age 15 and older were employed in the workforce in 2009. 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. However, Aboriginal women living on reserves (where land is held communally) lack matrimonial property rights.

On November 15, an adjudicator appointed by the Newfoundland-Labrador Human Rights Commission found that a private ambulance operator in the province had discriminated against a female applicant on the basis of gender in its hiring decisions and awarded her C\$7,000 (\$6,862) in damages.

On December 16, the Supreme Court agreed to hear an appeal by the Public Service Alliance of Canada (PSAC), a national trade union, and the Canadian Human Rights Commission of a lengthy pay equity case against Canada Post. The union

had deemed a 2005 C\$150 million (\$123.9 million in 2005 dollars) award by the Canadian Human Rights Tribunal insufficient and appealed to the Federal Court of Canada. However, the Federal Court overturned the award in 2008, and the Federal Court of Appeal upheld the lower court decision. The case originated with a complaint by PSAC in 1983 that Canada Post discriminated against 6,000 female employees by paying them less than men working in jobs of equal value. The appeal remained pending at year's end.

Children.—The country provided universal birth registration, and citizenship was derived both by birth within the country's territory and from one's parents.

The federal statistical agency recorded that more than 75,000 children and youth were victims of police-reported violent crime in 2008, including approximately 42,000 assaults and 13,600 sexual assaults. Studies indicated that family members or individuals known to the victim most commonly victimized children and youth and that incidents of violence, abuse or neglect of children and youth were under-reported.

Children under the age of 18 years were engaged in prostitution. Persons convicted of living off the earnings of prostitution of a child under age 18 face between two and 14 years' imprisonment. Persons who aid, counsel, compel, us, or threaten to use violence, intimidation or coercion in relation to a child under age 18 to engage in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child under age 18 face between six months and five years' imprisonment. On June 29, the Government amended the law to impose a mandatory minimum prison sentence of five years up to a maximum of 14 years for trafficking a child under 18 years of age for the purpose of exploitation. A minimum sentence of six years to a maximum term of life in prison is applied for trafficking of a child under 18 years if an offender kidnapped, committed an aggravated assault, aggravated sexual assault, or caused the death of a victim during the commission of the trafficking offence.

The minimum age of consensual sex is 16 years. The country does not have a statutory rape law but prosecutes a range of sexual offenses against children. Penalties for each offense range from 14 days to 10 years' imprisonment.

The law prohibits accessing, producing, distributing, and possessing child pornography. Maximum penalties range from 18 months' imprisonment for summary offenses to 10 years' imprisonment for indictable offenses. On July 15, the Supreme Court narrowed the legal defense against child luring, tightening the interpretation of "reasonable steps" required of adults under the criminal code to verify that persons with whom they communicate over the Internet for sexual purposes are 18 years of age or older.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance with the Convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>

Anti-Semitism.—Approximately 1.1 percent of the population was Jewish.

The B'nai Brith Canada League for Human Rights received 1,264 reports of anti-Semitic incidents in 2009, an 11 percent increase from 2008. Four-fifths of such reports came from the provinces of Ontario and Quebec (672 and 373 incidents, respectively); the vast majority of the country's Jewish population resides in these two provinces. The 1,264 reports included 884 cases of harassment, 348 cases of vandalism, and 32 cases of violence. There were 185 cases involving attacks on synagogues, Jewish homes, community centers, or cemeteries. Jewish students reported 137 cases of anti-Semitic incidents on university campuses in 2009, compared with 76 in 2008; another 73 involved primary and secondary school settings, compared with 57 in 2008. B'nai Brith also received 435 reports of Web-based hate activity, an 8 percent increase from 2008.

In April a group of individuals in Gatineau, Quebec, allegedly struck a man on the head, yelled anti-Semitic slurs, and chased the man and his Jewish companion with a machete. The Gatineau police closed their investigation of the incident for lack of evidence.

On March 18, police arrested a teenager for the November 2009 spray-painting of anti-Semitic slogans on the Calgary Jewish Centre, the Holocaust War Memorial, and private residential property in Calgary. On July 19, he pled guilty to incitement of hatred to an identifiable group, and mischief against a religious facility. Sentencing remained pending at the end of the reporting period. The conviction constituted the city's first confirmed hate crime.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, or the provision of other state services or in other areas, and the Government effectively enforced these prohibitions. The Government effectively implemented laws and programs mandating access to buildings, information, and communications 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, to improve physical accessibility infrastructure, to build the capacity of the voluntary sector, and to raise public education and awareness of disability issues.

On July 28, an Ontario court accepted a class-action lawsuit by former residents of the Huronia Regional Centre, a former facility operated by the province of Ontario for persons with developmental disabilities. Former residents and their family members alleged systemic neglect and abuse at the institution over a prolonged period before it closed in 2009. The suit is the first against a government-run residential institution for the developmentally disabled in Ontario.

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 citizens, and to students who are temporary residents in the province or have serious learning disabilities and who have obtained a waiver.

The federal statistical agency reported 1,036 incidents of police-reported hate crimes in 2008 (an increase of 35 percent from 2007), of which 55 percent or 563 incidents were motivated by race or ethnic bias. Blacks constituted the most commonly targeted racial group, accounting for 37 percent of racially-motivated incidents, followed by South Asians at 21 percent. Hate crimes that targeted multiple racial or ethnic groups constituted 53 percent of cases. Police classified 38 percent of the racially motivated incidents as violent.

In February the Ontario Human Rights Commission ordered the owner of an Ontario trucking company to pay a C\$25,000 (\$24,500) fine, create a workplace antiharassment policy, and undergo racial sensitivity training for subjecting an employee to racial taunts and subsequently firing her. The ruling also awarded the employee C\$6,750 (\$6,617) in lost wages.

In February the mayor of the Halifax Regional Municipality in Nova Scotia issued a public apology to the former residents of the black community of Africville for their forced removal in the 1960s to make way for new urban projects. The city, federal, and provincial governments provided a total of C\$3 million (\$3 million) for construction of a replica of a community church on the former site.

On March 10, the Quebec Human Rights Commission announced hearings into alleged police racial profiling in the province. The commission reported that it had received at least 100 complaints of racial profiling since 2005.

On October 1, one individual pled guilty to criminal harassment and in November was found guilty of public incitement of hatred for planting a burning cross on the lawn of an interracial couple in Hants County, Nova Scotia, on February 20, and for yelling racial slurs. Authorities dropped two other charges of uttering threats and mischief. Also in November, a court convicted a second individual of criminal harassment and public incitement of hatred in the same case. At year's end, both individuals awaited sentencing. The police also started an investigation of a separate incident in April in which unknown vandals torched a car belonging to the couple, but closed the investigation without bringing charges.

On October 18, voters in Calgary elected the city's first visible minority mayor. Naheed Nenshi was also the first Muslim to become mayor of a major Canadian city.

On October 19, the Quebec government passed legislation to tighten an exemption under the province's French language law for access to minority English education rights in the public education system. In October 2009 the Supreme Court had struck down as unconstitutional a law that had closed a legal loophole that had permitted parents to enroll their children in private elementary English schools in the province to establish their eligibility for minority English education rights, before transferring them to the public English education system to complete their education. The court had suspended its ruling for one year to allow the Government to rewrite the law. Under the legislation, the Government restricted publicly funded English-language education rights to students who had studied for at least three years in an approved, private English school and who had received specific permission to continue their education in English from provincial education officials.

On November 8, masked assailants invaded the Calgary, Alberta, home of an anti-racism activist and beat the homeowner and his guest with a bat, hammer and other weapons. The homeowner suffered welts and bruises, and the guest a broken arm. Police said the victims were targeted, although they could not confirm whether the attack occurred in retaliation for the homeowner's public anti-racism activities. A police investigation into the attack remained pending at year's end.

There were no developments in the coroner's inquest into the Montreal police's 2008 shooting death of a teenage immigrant from Honduras.

Indigenous People.—The law recognizes three different groups of indigenous (also known as Aboriginal) persons: Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). According to the 2006 census, indigenous persons 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 police harassment continued to be sources of tension. Indigenous persons remained underrepresented in the workforce, over-represented on welfare rolls and in prison populations, and more susceptible to suicide, poverty, and sexual violence than other groups. On January 25, the Canadian Medical Association reported that 70 percent of Aboriginal preschoolers in Nunavut lived in homes with a shortage of food. According to a government study issued on March 10, Aboriginals experienced an infection rate for tuberculosis at a rate of 27.8 cases per 100,000 persons, compared with a rate of 4.8 cases per 100,000 persons for the entire Canadian population.

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 and implementation 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. According to an August 2009 Amnesty International report, approximately 60 Aboriginal claims over territory previously excluded from treaty making remained unresolved. An additional 765 specific claims related to interpretation of historic treaties remained unresolved.

In its 2009 annual report to Parliament on March 30, the CHRC highlighted the plight of Aboriginal persons in Canada, stating that many "do not have access to basic necessities." The CHRC stated that it is working to improve access to the Human Rights Act for more than 700,000 Aboriginal Canadians who live on reserve who were specifically excluded from the ability to file complaints under the Act before 2008. Aboriginals on reserve are scheduled to receive protection under the Act in June 2011 when a three-year transitional period expires. The CHRC accepted Aboriginal complaints under the Act, and reported an "incremental increase" in the small number of complaints in 2010 (over 2009), but did not process them pending full application of the Act in 2011.

On April 6, the Grassy Narrows First Nation released an independent medical study which stated that 79 percent of 187 persons tested at the Grassy Narrows reserve from 2002 to 2004 had, or may have had, Minamata disease, a condition arising from exposure to methyl mercury. In the 1970s, the Ontario government banned fishing in the nearby Wabigoon-English river system due to mercury pollution from a paper mill on the river in the 1960s. Reserve residents claimed that the Government had stopped testing individuals for mercury levels.

On April 22, an NGO released a report that found that 62 indigenous women and girls either disappeared or were murdered in 2009. The report stated that nearly half of all murder cases involving First Nation, Metis, and Inuit women and girls

were unsolved, compared with an 84 percent clearance rate for murder cases involving nonindigenous women and girls.

On July 7, the Government signed a land claim agreement with the Cree of Itschee in Quebec that settled longstanding land claims. The agreement covered 24,700 square miles along the Quebec shore in James Bay and southeastern Hudson Bay. Under the agreement, the Government agreed to pay the Cree C\$50 million (\$48.5 million) over 10 years, transfer title to more than 390 square miles, and establish a joint management scheme with the Cree and the territory of Nunavut.

In July Nunavut's chief justice warned in a letter to the federal justice minister that Nunavut's court system faced an "impending crisis" due to insufficient resources and asked for the appointment of additional judges to the Nunavut Court of Justice to handle the rising rate of violent crime in the Territory. According to reports, Nunavut authorities bring sexual assault charges at a per capita rate that is 10 times the national average. The court system relied on roving short-term judicial visits from the outside to handle increasing workloads.

On August 18, the Government apologized for the forced relocation of Inuit families in the 1950s from their traditional communities to the High Arctic.

In September 800 Aboriginal persons from Vancouver Island joined a class-action lawsuit filed in August 2009 by former students of Aboriginal day schools in Manitoba against the federal government seeking C\$15 billion (\$14.7 billion) for alleged abuse suffered in the schools.

In October the federal government settled one of Canada's largest single land claims with the Manitoba Peguis First Nation. The Government paid C\$118 million (\$115.6 million) to the approximately 900 members of the Nation. On November 19, an Ontario court ordered the Haudenosaunee/Six Nations band to cease a campaign against development on land claimed by the band near Brantford, Ontario. The judge instructed the band to cease blockading construction sites, threatening construction workers, and collecting unauthorized fees from developers. The court found that the band's claim to the land was "exceedingly weak."

On December 15, the Government passed legislation to implement an April 2009 decision by the Court of Appeal of British Columbia to ensure gender equity in Indian registration. The Appeal Court had ruled that the Indian Act unconstitutionally discriminated between men and women by denying registration under the Indian Act to the grandchildren of indigenous women who previously lost their Indian status by marrying a non-Indian.

There were no developments in negotiations to settle four land claims of the Haudenosaunee/Six Nations in Ontario.

The Government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The federal statistical agency reported 159 incidents of police-reported hate crimes motivated by sexual orientation in 2008, constituting 16 percent of all hate incidents. The total almost doubled from 2007, and 75 percent of incidents involved a violent offense. The law prohibits discrimination based on sexual orientation or gender identity, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Lesbian, gay, bisexual and transgender organizations operated independently and without restriction. Federal, provincial, and municipal governments authorized, and sometimes provided financial support for, gay pride marches in communities across the country and provided police protection to marchers. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

On July 1, police charged two men with assault causing bodily harm in connection with a violent attack on a gay male couple in Vancouver, British Columbia, on June 12. The assailants allegedly uttered homophobic slurs during the attack.

In June the Nova Scotia Human Rights Commission closed its investigation into the 2009 complaint of a former employee of a provincial youth facility who had alleged that he had experienced severe and prolonged sexual harassment in the workplace based on his sexual orientation. The parties agreed that the facility would provide workplace programs and services to address discrimination against vulnerable groups, including homosexual youth.

In June a gay man withdrew his complaint before the Ontario Human Rights Tribunal that his parish priest had removed him from his volunteer position as a church altar server in 2009 because of his sexual orientation. The complainant reconciled with church officials.

There were no developments in a 2009 lesbian couple's complaint filed with the Manitoba Human Rights Commission alleging that a family doctor declined to ac-

cept them as patients because their sexual orientation offended her religious beliefs and because she had no experience treating gay patients.

In May a provincial court heard an appeal of a lower court ruling that upheld a fine imposed by the Saskatchewan Human Rights Tribunal on a provincial marriage commissioner in 2008 for refusing to conduct a same-sex ceremony contrary to his religious beliefs. The appellant argued for a duty exemption on the basis of his constitutional right to freedom of religion. The case remained pending at year's end.

In April a British Columbia court sentenced an individual to 17 months in prison for a 2008 hate-motivated violent assault on a gay couple in Vancouver.

In November a British Columbia court sentenced an individual to six years in prison for a March 2009 aggravated sexual assault on a gay bar patron that left the victim permanently brain damaged. The judge found that the attack constituted a hate crime.

On December 21, the Alberta government deleted homosexuality from its official diagnostic guide to mental disorders for physicians practicing in the publicly-funded medical system, and ordered a review of the wording of the manual.

Other Societal Violence or Societal Discrimination.—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 7. 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 or excessive requirements, and the Government applied the law effectively. The law allows unions to operate without government interference. An estimated 30 percent of the civilian labor force belonged to a trade union.

All workers have the right to strike, and workers exercised this right in practice. However, workers in the public sector who provide essential services, including police and armed forces, do not have the right to strike, but have mechanisms to ensure due process and protect workers' rights. 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. Provincial governments have, and enforce, their own labor laws that apply to provincially regulated occupations.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining, and the Government effectively enforced this right. Workers freely practiced collective bargaining and collective agreements covered an estimated 25 percent of workers. The law prohibits antiunion discrimination and employer interference in union functions, and the Government protected this right in practice. Agricultural workers in Alberta, Ontario, and New Brunswick do not have the right to organize and/or bargain collectively under provincial law.

In April the Quebec labor relations board struck down a provision in the provincial labor code that effectively barred foreign migrant farm workers from joining unions. The law had restricted eligibility for unionization to farms with at least three permanent employees.

There were no developments in an appeal before the Supreme Court of a 2008 Ontario Court of Appeal ruling that struck down a provincial law prohibiting an estimated 32,000 agricultural workers (including foreign migrants) from bargaining collectively. On November 18, the International Labor Organization (ILO) reported that the law violated the human rights of agricultural workers. This was the second time in 10 years that the ILO found that the Ontario government had denied farm workers the right to freedom of association.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that foreign (or noncitizen or foreign-born) adults were subjected to forced labor in the agricultural sector, food processing, hospitality industry, domestic servitude, and prostitution. NGOs reported that bonded labor and domestic servitude constituted the majority of cases of exploitation. The Government enforced the law, and federal and some provincial governments implemented programs to combat forced labor, to inform workers of their legal rights, and to hold employers of foreign migrant workers accountable. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor legislation varies by province and there are sufficient laws to protect children from exploitation in the workplace. Most provinces restrict the number of hours of work, and prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. During official school or academic breaks, the federal government has employed youths under age 17 for work that is unlikely to endanger their health or safety.

Child labor laws and policies were effectively enforced and the child labor inspections were carried out by federal and provincial labor ministries.

e. Acceptable Conditions of Work.—Provincial and territorial governments set minimum wage rates and enforced them effectively through their respective departments of labor. In federally regulated industries, the minimum wage constitutes the general adult minimum wage of the province or territory in which the work is performed. Some provinces have minimum wage boards that represent the interests of employers and employees, and may recommend nonbinding changes to rates. Four provinces have legislation requiring an annual or biennial review of the minimum wage, but no governments have a legislated obligation to increase or otherwise modify rates. Minimum wage rates ranged from C\$8.00 to C\$10.25 (\$7.84 to \$10.04). Some provinces exempt agricultural, hospitality, and other specific categories of workers from minimum wage rates, and 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 (LICOs), which vary by urban, rural, and size of community, below which individuals and families spend significantly more on food, shelter, and necessities than the average. During the year, the maximum national LICO for a family of four with a before-tax income of less than C\$41,198 (\$40,390) 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, including foreign and migrant workers. Federal and provincial labor departments monitored and enforced these standards, and conducted inspections proactively through scheduled visits, reactively in response to complaints, and at random.

Enforcement measures included a graduated response, with a preference for resolution via voluntary compliance, negotiation, and education, and prosecution and fines as a last resort. Some trade unions argued that limited resources hampered the Government's inspection and enforcement efforts. 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.

On August 16, the Alberta Employment and Immigration Ministry announced a 10-point plan to improve workplace safety via improved enforcement of the province's occupational health and workplace safety regulations. The plan proposes the hiring of additional inspectors, implementing updated compliance and enforcement procedures, publishing safety records of Alberta companies, and piloting a weekend and evening worksite inspection regimen.

On September 10, two Jamaican migrant agricultural workers died in a job-related incident at an Ontario apple orchard and processing facility. Provincial police and the Ontario Ministry of Labour opened an investigation into the fatalities.

From October 8 to November 22, a team drawn from Alberta's 94 Occupational Health and Safety (OHS) inspectors conducted a safety "blitz" inspecting 146 construction employers at 70 worksites across the province, and issuing 39 safety-related stop work orders.

On November 5, the Alberta Federation of Labor (AFL) released its own 10-point proposal to improve the province's health and safety record, including increased inspections, more resources for prosecutions for workplace safety violations, extension of health and safety and employment standards legislation to farm workers, mandatory joint health and safety committees for workers and employers, and publishing employer safety records. The AFL claimed that Alberta had the highest number of workplace fatalities in the country and the most lax health and safety policies.

On December 14, Alberta's employment and immigration minister updated the results of the province-wide safety blitz. He stated that it had resulted in 298 initial

and follow-up inspections which brought 70 worksites into conformity with provincial requirements. OHS inspectors had issued an additional 49 stop work orders for worksites that lacked adequate safety measures.

On December 16, the AFL released a report that criticized the provincial government for inadequate monitoring and enforcement of policies to prevent abuse of temporary foreign workers. The AFL recommended the tightening of provincial and federal regulations on employment brokers and recruiters, increased inspections and more vigorous enforcement of employment standards, and easier access to permanent residency for foreign migrant workers.

Also on December 16, an Ontario government panel recommended a major overhaul of the province's workplace health and safety system. The recommendations included the creation of a new office of accident prevention headed by a designated chief prevention officer within the provincial Labor Ministry, mandatory safety training for construction workers, and a major outreach campaign to educate vulnerable workers (including those in the "underground" economy) of their labor rights. The province commissioned the official report, and a year-long comprehensive review of health and safety practices and provincial legislation, in January following the December 2009 deaths of four immigrant unregulated workers in Toronto, and the critical injury of a fifth, due to unsafe working practices. In July the provincial government launched a three-month workplace safety campaign that targeted construction sites across the province.

CHILE

Chile is a multiparty democracy with a population of approximately 17 million. On January 17, in free and fair elections voters chose Sebastian Pinera Echenique of the center-right Coalition for Change as president. Security forces reported to civilian authorities.

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.

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 of two killings by security forces.

On March 10, in Hualpen, a naval patrol allegedly detained and beat David Riquelme to death during the curfew imposed after the February 27 earthquake. A military court accused five sailors of unnecessary violence resulting in death, and the case was pending at year's end.

On June 26, police in Cabrero detained and beat Francisco Coronado, who died in the police van before it reached the police station. A military court indicted police Corporal Rafael Diaz of homicide, and the case was pending at year's end.

On August 20, a military court convicted carabineros (the uniformed national police) Corporal Walter Ramirez of "unnecessary violence resulting in death" and sentenced him to three years on parole for the 2008 shooting of Matias Catrileo during an indigenous occupation of private land. At year's end Ramirez continued on active duty, and an appeal was pending before the Supreme Court. On November 8, a military prosecutor recommended a sentence of 15 years for police Corporal Miguel Patricio Jara, indicted for the August 2009 shooting of Jaime Mendoza during an indigenous land occupation. The case was pending before a military judge at year's end (see section 6, Indigenous People).

On September 10, Judge Alejandro Madrid convicted 14 former military officers of kidnapping, homicide, and criminal conspiracy in the 1991 kidnapping and subsequent death of former National Intelligence Directorate (DINA) agent Eugenio Berrios. The emblematic case uncovered actions of dictatorship security agents took to evade justice after the 1991 transition to democracy.

In December 2009 Judge Madrid charged six persons in the poisoning death of former president Eduardo Frei Montalva in 1982. A DINA agent, a doctor, and Frei's driver were charged with murder; two other doctors who allegedly falsified the autopsy were charged as accessories to the crime, and another doctor was charged as an accomplice. The case remained pending at year's end.

On April 28, the Supreme Court rejected an appeal to reopen the 1993 kidnapping and murder case of dual Chilean-Spanish citizen Carmelo Soria, who was killed by

DINA agents in 1976. The Supreme Court closed the case with no convictions in 1996, after applying the amnesty law. In September 2009 Judge Madrid charged seven former army officials with obstruction of justice in the Soria case. One of the seven was Sergio Cea, the military prosecutor in charge of investigating Soria's death. The case remained pending at year's end.

On July 8, the Supreme Court upheld the 2008 convictions of 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. However, the high court reduced some sentences, gradually applying the statute of limitations, which allows for the discretionary reduction of sentences.

On November 15, the Santiago Appellate Court ordered Judge Jorge Zepeda to reopen his investigation into the 1974 death of former interior minister Jose Toha, characterized as a suicide at the time. The case was 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. In some cases, the Supreme Court upheld the statute of limitations or lessened sentences using the gradual application of the statute of limitations, allowing the convicted persons to serve time outside of prison.

The Diego Portales University's Human Rights Observatory reported that as of July the Supreme Court had paroled or reduced sentences of approximately two-thirds of 213 former security agents convicted of dictatorship-era human rights abuses, including disappearance, execution, and torture, whose cases had reached the high court.

Judge Zepeda continued his investigation into the 1985 disappearance case of U.S. citizen Boris Weisfeiler. On March 4, Weisfeiler family members resubmitted the case to the Advisory Commission on the Classification of Disappearances, Political Executions, and Victims of Political Imprisonment and Torture (Valech Commission), which in February began accepting new and resubmitted requests to recognize dictatorship-era cases as human rights violations (see section 5). The first truth and reconciliation commission in 1991 did not recognize the Weisfeiler disappearance as a human rights violation. A decision on the family's application was pending at year's end.

More than 120 indictments of former members of the military, carabineros, plainclothes Investigations Police (PDI), and prison system (gendarmeria) for "permanent kidnappings" perpetrated by DINA agents from 1974 to 1976 were issued in September 2009 and remained pending at year's end.

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 carabineros, PDI members, and prison guards. Few reports of abuse or mistreatment led to convictions.

On December 14, six carabineros were relieved from duty following allegations of psychological abuse against Juan Berrios, who was detained in a police van and threatened at gunpoint with "disappearance." The events were caught on video and broadcast on the local news. Lorena Fries, Director of the National Institute of Human Rights, called the actions torture and cruel, inhuman, and degrading treatment. The case remained pending at year's end.

The gendarmeria opened administrative investigations into 38 allegations of abuse through June, compared with 88 in all of 2009. Of the 2009 cases, one resulted in officials receiving sanctions, 11 were closed, and 76 were pending at year's end.

Prison and Detention Center Conditions.—Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary conditions. The 2010 Diego Portales University Law School Annual Report on Human Rights reported that overcrowded prisons with substandard sanitary, food, and medical services were a problem in some prisons. It 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 61 deaths from preventable causes as of September, compared with 73 in all of 2009. Prisoners with HIV/AIDS and mental disabilities failed to receive adequate medical attention in some prisons.

As of September government sources indicated there were approximately 56,000 prisoners in prisons designed to hold 34,000 inmates. Prisons in the Santiago area were at nearly double their capacity. Prisoners included 4,697 women, who were held in separate sections of the same facilities. As of June there were 1,477 minors

held in specially designated facilities. Nearly 800 minors were held provisionally during their trial.

On December 8, 81 inmates died in a fire started during a fight between rival gangs at the San Miguel Prison in Santiago. Although reports varied, it is estimated that the prison held approximately 1,900 prisoners although designed to hold only 1,100. A prosecutor's investigation remained pending at year's end.

On December 21, 36 inmates, six guards, and one police officer were injured during an uprising at the Antofagasta prison. Prisoners were protesting the nationwide suspension of privileges following the December 8 prison fire at San Miguel. Approximately 800 inmates were also participating in a hunger strike in support of the San Miguel prisoners. The Antofagasta prison, which was designed to hold 684 prisoners, held 1,326 at the time of the riot.

The prosecutor's investigation of an April 2009 fire the Colina II penitentiary center that resulted in 10 deaths remained pending at year's end.

In December 2009 an agreement to stay proceedings conditionally was reached in the case of six former employees of the National Children's Service (SENAME) charged with manslaughter for the 2008 death of 10 adolescents in their care at the Tiempo de Crecer juvenile detention center in Puerto Montt.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities generally investigated these allegations and documented the results in a publicly accessible manner.

The Government generally investigated and monitored prison and detention center conditions.

The Government permitted prison visits by independent human rights observers, and such visits took place at both government and privately operated facilities. Prisoner 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 carabineros, overseen by the Ministry of Defense, and the PDI, overseen by the Ministry of 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 Procedures and Treatment While in Detention.—Only public officials expressly authorized by law can arrest or detain citizens and generally did so openly with warrants based on sufficient evidence brought before an independent judiciary. 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 if 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.—Defendants enjoy a presumption of innocence and have a right of appeal. 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, defendants have the right to be present and to consult with an attorney in a timely manner, 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 across the country provide professional legal counsel to anyone seeking such assistance. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf, although the law does provide for protected witnesses in certain circumstances. Defendants and their attorneys generally have access to government-held evidence relevant to their cases with some exceptions. 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.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. At year's end two inquisitorial criminal courts remained open: each had extensive waits for trial.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although some indigenous Mapuche awaiting trial claimed to be political prisoners.

Regional Human Rights Court Decisions.—On September 17, the Inter-American Commission on Human Rights (IACHR) filed a case with the Inter-American Court on Human Rights in the 2004 petition of Karen Atala, a lesbian judge who claimed discrimination in the loss of custody of her three daughters. In April the IACHR had issued a report, which concluded that Atala's rights were violated and urged the Government to make reparations to her and to adopt legislation, policy, and programs to prohibit discrimination based on sexual orientation. In response the Pinera administration announced it would set up a working group to address the IACHR's recommendations, but the Supreme Court refused to participate.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, which permits access for lawsuits regarding human rights violations. However, the civil justice system retains antiquated and inefficient procedures. The average civil trial lasted approximately five years and civil suits could continue for decades. There are administrative and judicial remedies available for alleged wrongs.

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.

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.

The independent media were active and expressed a wide variety of views without restriction. President Pinera owned Chilevision (CHV), one of three major networks, until he completed sale of the company on October 6.

The Government-funded National Television Council (CNTV) is responsible for ensuring that television programming respects "the moral and cultural values of the nation." The CNTV's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming. Films and other programs judged by the CNTV to be excessively violent, to have obscene language, or to depict sexually explicit scenes may be shown only after 10 p.m., when "family viewing hours" end. The CNTV occasionally levied fines or pressured stations to reschedule programs. For instance, on October 5, CNTV sanctioned television channel CHV (Chilevision) for broadcasting a parody of Jesus Christ on a comedy club show in April.

On January 18, a Santiago tribunal dismissed criminal libel charges brought against freelance journalist Pascale Bonnefoy in 2006.

On April 22, the Villarrica penal court acquitted documentary filmmaker Elena Varela Lopez, who had been charged with "illegal association with intent to commit an offense" and "links with a terrorist group" related to bank raids in 2004-05.

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 to citizens, and the International Telecommunication Union reported that there were 41 Internet users per 100 inhabitants in 2009.

The Net Neutrality Law, which prohibits Internet Service Providers from arbitrarily blocking, interfering with, or discriminating against access to Internet con-

tent or applications, went into effect on August 26. The reform also establishes the obligation to make information about connection plans transparent.

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 freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 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 country's laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year 75 residents were given recognized refugee status, for a total of 1,614 residents with that status at year's end.

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

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

Elections and Political Participation.—On January 17, voters in a free and fair run-off election chose Sebastian Pinera Echenique of the center-right Coalition for Change as president. In December 2009 voters also elected 18 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 17 women in the 120-seat Chamber of Deputies and five women in the 38-seat Senate. There were six women in the 22-member cabinet, down from 10 in 2009. Women were underrepresented in other elective offices.

Indigenous people have the legal right to participate freely in the political process, but relatively few were active. No member of the legislature or the cabinet identified himself or herself as indigenous.

Section 4. Official Corruption and Government 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 January 21, a judge convicted Andres Contardo, a former consultant for both the Civil Registry and Tata Consultancy Services, of disclosing secret civil registry information regarding a public tender for a new technology platform. Contardo was sentenced to more than four years in prison but was released on parole. On May 28, the prosecutor in charge indicted 37 other individuals, including the former Civil Registry director and Tata executives, for fraud, bribery, and disclosure of secret information. On July 20, three of the accused were convicted of being accomplices. On July 21, the prosecutor agreed to a stay in proceedings for 11 others who cooperated with the investigation and agreed to complete community service and return public funds. On November 8, a judge temporarily stayed proceedings until defense attorneys had full access to the case files, a decision upheld in December by the Santiago Appellate Court. The remainder of those indicted awaited trial at year's end.

On January 1, a Santiago court absolved three former State Railroad Company executives, including former president of the board Luis Ajenjo, of fraud in a high-profile case dating from 2006.

On July 1, a judge convicted Carlos Cruz, former minister of public works, transportation, and telecommunications, and Sergio Cortes, former finance director of the ministry's Highways Division of fraud for approximately 800 million pesos (\$1.57

million) in a 2001 case. Cruz and Cortes were sentenced to prison but released on parole. In total the judge convicted 13 individuals and absolved 17 others in the case.

On July 13, Public Prosecutor Victor Vidal brought charges against Margarita Cuadros Aedo for criminal association, bribery, falsification of public documents, and obstruction of an investigation into judicial corruption. Vidal also charged four former officials for their role in the ring. In 2009, 17 individuals from corruption rings within the judicial system were convicted of the same crimes. The criminal rings falsified certifications that a prisoner had completed time, misplaced files, and falsified judicial decisions. Those convicted included six current and two former PDI officers, two carabineros, and two judicial officials.

The law subjects public officials to financial disclosure and assigns responsibility to the comptroller for conducting audits of government agencies and to the Public Prosecutor's Office 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. In practice the Government granted citizens and noncitizens, including foreign media, access to all unclassified information. An autonomous transparency council provides for the right of access to information and rules on cases in which information is denied. In such cases reasons for denial are generally provided and have legal basis. For the year the Transparency Council considered 985 cases of denials for information requests. The Council made decisions on 85 percent of those, while the remaining cases were under analysis.

Section 5. 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 often were cooperative and responsive to their views.

There is no human rights ombudsman. During the year the autonomous National Institute of Human Rights (INDH), created by a December 2009 law, began functioning with a mandate to submit a human rights report to government bodies and international organizations, propose changes to government agencies to ensure the promotion and protection of human rights, and initiate legal action for gross human rights violations. On December 9, the INDH published its first annual report. The Senate and Chamber of Deputies also have standing Human Rights Committees that are responsible for drafting human rights legislation.

On February 7, the Valech Commission began accepting new and resubmitted requests to recognize dictatorship-era cases of execution, disappearance, and torture as human rights violations. The application process was open for six months, and the Commission received more than 32,500 petitions. In cases recognized as involving human rights violations, victims' family members and survivors are eligible for reparations. In addition the Ministry of Interior's Human Rights Program can become a plaintiff in cases recognized as human rights violations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government enforced these prohibitions. However, such discrimination continued to occur.

Women.—The law criminalizes rape, including spousal rape. Penalties for rape range from five to 15 years' imprisonment, and the Government generally enforced the law.

The law protects the privacy and safety of the victim making the charge. During the year the Public Prosecutor's Office investigated 4,803 cases of rape, and the courts handed down 942 rape convictions. Experts, however, believed that most rape cases went unreported.

The Ministry of Justice and the PDI operated several offices specifically dedicated to providing counseling and assistance in rape cases.

Domestic violence against women remained a serious problem. During the year, 49 women were killed as a result of domestic or sexual violence, compared with 55 in 2009.

The law prohibits domestic violence. Family courts handle cases of domestic violence and penalize offenders with fines up to 556,680 pesos (\$1,092). Additional sanctions include eviction of the offender from the residence shared with the victim, restraining orders, confiscation of firearms, and court-ordered counseling. Cases of habitual psychological abuse and physical abuse cases in which there are physical injuries are prosecuted in the criminal justice system. Penalties are based on the

gravity of injuries and range from 61 to 540 days' imprisonment. During the year the Public Prosecutor's Office initiated investigations into 117,475 cases of family violence, and 14,257 offenders were convicted for domestic violence. The authorities generally enforced the law in cases reported to them. However, experts believed that most domestic violence cases went unreported.

Government actions to confront domestic violence included a more aggressive national awareness campaign that began in October and a dating violence awareness campaign launched in November. The National Women's Service operated 92 assistance centers and 24 shelters for women and maintained partnerships with NGOs to provide training for police officers and judicial and municipal authorities on the legal and psychological aspects of domestic violence.

On December 18, the Femicide Law went into effect, characterizing the murder of a woman by her husband or partner, current or past, as a crime in the Penal Code. The new law penalizes those convicted of femicide to the highest murder sentence possible (15 to 40 years' imprisonment).

Sexual harassment generally was a problem. The law provides protection to victims of sexual harassment by employers and coworkers. It also provides severance pay to victims who resign due to sexual harassment if they have completed at least one year with the employer. By law sexual harassment is cause for immediate dismissal. The law requires employers to define internal procedures for investigating sexual harassment, and employers may face fines and additional financial compensation to victims if internal procedures are not met. The authorities generally enforced the law in cases reported to them. Through November the Labor Directorate received 82 complaints of sexual harassment.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of children and had the information and means to do so free from discrimination, coercion, and violence. Contraception and skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care were available. The Population Reference Bureau reported that the rate of contraceptive use among married women was 64 percent, and the incidence of maternal mortality in 2008 was 26 per 100,000 live births. On January 28, the Regulation of Fertility Law establishing norms for family planning and sexual health information and services went into effect. The law provides for the free distribution of emergency contraception in the public health system. It also mandates the establishment of sexual education programs in high schools.

Women faced significant obstacles to preventing HIV infection, including socio-cultural norms, gender-based violence, and lack of information.

The law on surgical sterilizations requires voluntary informed consent. However, in the Center for Reproductive Rights study, some HIV-positive women reported that healthcare workers pressured or forced them to undergo surgical sterilization.

Women enjoy most of the same legal rights as men. Despite the possibility 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; a man may enter into such an agreement without permission from his wife.

The 2009 Supplemental Survey of Incomes estimated the overall gender income gap at 29 percent. Among those with university education, the income gap was 34.5 percent. In December 2009 a law providing for equal pay for equal work went into effect. The law requires companies with 10 or more workers to establish a formal internal complaint procedure, while those with 200 or more workers must also generate a registry detailing employee positions and functions. The labor code provides specific benefits for pregnant workers and mothers of children under two years old, including a prohibition against dismissal during pregnancy and throughout the 449 days after the birth of a child. The National Women's Service is in charge of protecting women's legal rights.

Children.—Citizenship is derived by birth within the country's territory or from one's parents or grandparents.

Violence against children was a significant problem. According to press reports, there were almost 55,000 reported cases of child abuse between January and August, an increase of 2,000 from the same period in 2009.

The law prohibits sexual abuse of minors and suspends the statute of limitations in such cases. During the year the Public Prosecutor's Office investigated 418 cases of commercial juvenile sexual exploitation, compared with 333 in 2009. During the year SENAME assisted 1,084 victims of commercial juvenile sexual exploitation, compared with 1,062 in all of 2009. SENAME ran 16 programs specifically for victims of commercial sexual exploitation and 84 additional programs for children and youth in high-risk situations, including commercial sexual exploitation. SENAME also collaborated with municipal governments to run 114 local branches of the Office for the Protection of Children's Rights throughout the country. SENAME, the carabineros, and the PDI cooperated with schools and NGOs to identify children in abusive situations, to provide counseling and other social services to abused children, and to keep families intact.

Child prostitution was a problem. Children engaged in prostitution for survival with and without third party involvement. The criminal code considers 18 the age for consensual sex. Sex with a girl between ages 14 and 18 may be considered statutory rape, and sex with a child under age 14 is considered rape, regardless of consent or the victim's gender. Penalties for statutory rape range from three to 10 years in prison. Child pornography is a crime; penalties for producing child pornography range from 541 days to five years in prison.

On July 7, the press reported that preparations continued for a trial against 10 individuals charged in 2009 for their involvement in a child prostitution ring in Valparaiso. On December 31, a Valparaiso penal court found four of the 10 guilty of obtaining sexual services from persons over 14 but under 18. Sentences were not decided as of year's end.

On September 22, SENAME closed their internal investigation into commercial sexual exploitation of residents at their Capullo youth home in the Bio-Bio region without bringing charges against any of its officials. However, PDI detectives arrested nine individuals for alleged sexual exploitation of adolescent girls in exchange for small sums of money, drugs, food, or clothing. Four lawsuits resulted, three of which ended in convictions, while the fourth remained pending at year's end.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were various reports of anti-Semitic incidents during the year, such as acts of vandalism, verbal slurs, bomb threats, and online harassment. Vandalism included desecration of Jewish community institutions, such as schools, synagogues, and cemeteries. In an October 6 press article, the vice president of the Jewish Community of Chile noted various acts of vandalism of homes in Santiago, Lota, and Puerto Montt. 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, gays and lesbians, punk rockers, and anarchists. Some skinhead groups shared the anti-Semitic rhetoric of neo-Nazi groups.

On June 17, the Vina del Mar penal court convicted Elliot Quijada, a neo-Nazi militant, of illegal arms possession as well as of hate crimes for his September 2009 harassment of Lily Perez, who is Jewish, during her campaign for senator. The court sentenced Quijada to 600 days of prison for illegal arms possession and fined him approximately 1.85 million pesos (\$3,565) for hate speech.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and access to state services, and the Government effectively enforced these provisions. However, such persons suffered forms of de facto discrimination. In 2008 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, nearly half of whom received no mental health attention. Approximately 100,000 persons under the age of 27 with disabilities did not receive any special care or education.

The Government did not effectively implement laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. 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 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.

National/Racial/Ethnic Minorities.—In general, societal violence or discrimination against members of national, racial, or ethnic minorities or groups was not a problem. However, on December 27, the regional director of the Solidarity and Social Investment Fund (a part of the Ministry of Planning) in Arica-Parinacota resigned after an employee of African descent, who had been fired, accused him of racism and discrimination based on his skin color.

Indigenous People.—The law gives indigenous persons (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. However, both internal factors and governmental policies limited the participation of indigenous persons in these decisions. Indigenous persons also experienced some societal discrimination, and there were reported incidents in which they were attacked and harassed.

There were isolated instances of violence between the Mapuche and landowners, logging companies, and police in the southern part of the country. The actions usually took the form of protests regarding historic Mapuche concerns about their rights to ancestral lands. Instances of rock throwing; land occupations; and burning crops, buildings, or vehicles occurred. Mapuche activists and police forces stationed in the area to guard private lands sometimes engaged in skirmishes.

The Citizens' Observatory (OC) reported police searches of Mapuche homes without a warrant, arrests and releases of Mapuche individuals without a detention control hearing, and police use of intimidation and discriminatory statements against Mapuche individuals, including minors. The OC also reported that alleged police abuse of Mapuche individuals often occurred during the implementation of court-ordered arrests or search warrants.

On November 16, the Temuco Appellate Court found that carabineros had violated the constitutional rights of children from the Mapuche community Muko Bajo. Carabineros had conducted interviews at the Blanco Lepin Rewe Kimun School during school hours, allegedly for the purpose of gaining information from youths about Mapuche individuals under investigation under the antiterrorism law. The students reported that they were harassed by the police. The appellate court put in place a protective order prohibiting such actions without a court order. The same appellate court put in place a similar protective order after PDI officers interrogated children from the same community on May 18. On December 3, the press reported that carabineros had again interviewed a 10-year-old from the same indigenous community.

On November 8, military prosecutor Rodrigo Vera completed his investigation and recommended a sentence of 15 years for Special Forces police Corporal Miguel Patricio Jara, indicted for the August 2009 death of Jaime Mendoza. Mendoza was shot and killed while he and approximately 30 other Mapuche individuals occupied private land in Ercilla. The military prosecutor's report established that Jara was not attacked and that Mendoza did not use a firearm. The case was pending before a military judge in Valdivia at year's end.

On August 20, a Santiago military court convicted carabineros Corporal Walter Ramirez of "unnecessary violence resulting in death" and sentenced him to three years in prison for the 2008 shooting of Matias Catrileo during an occupation by indigenous persons of private land. The ruling increased the sentence handed down by a Valdivia military tribunal on January 15, but allowed Ramirez to serve time on parole. Ramirez remained on active duty, and an appeal before the Supreme Court was pending at year's end.

The Ethical Commission Against Torture's annual report noted that as of June the Government used the antiterrorism law to prosecute 57 Mapuche individuals or sympathizers whose protests included destruction of property, attacks on farms, or confrontations with police. In addition seven Mapuche individuals were under prosecution in the military justice system. In 2009 the Working Group on the UN Human Rights Council Universal Periodic Review, the UN Committee on the Elimination of all forms of Racial Discrimination, and the UN rapporteur on indigenous peoples all recommended that the Government limit its application of the antiterrorism law in the context of Mapuche protests.

On July 12, more than 30 Mapuche prisoners, the majority of whom were awaiting trial, went on a hunger strike to protest their prosecution under the antiterrorism law and the military justice system. The Government entered into negotiations with the hunger strikers in September, and on October 1, a majority of them called off their strike after the Government agreed to reclassify its charges

against the Mapuche prisoners under the ordinary penal code and to push forward reform of the military justice system. Congress passed reforms to the antiterrorism law September 30. The remaining Mapuche prisoners ceased their hunger strike on October 9 after the Government agreed to present legislation that would provide constitutional recognition of the country's indigenous peoples.

However, trials of Mapuche individuals under the antiterrorism law continued at year's end. On November 8, a criminal trial began in Canete against 18 Mapuches charged by the public prosecutor with a series of antiterrorist crimes, including terrorist illicit association and frustrated homicide during a 2008 attack on a public prosecutor and police. The trial was pending at year's end. Five of the 18 were simultaneously prosecuted in the military justice system. On December 16, the five individuals were acquitted by a military court in Valdivia on grounds of insufficient evidence.

On December 11, the Network of NGOs for Children and the Support for Unprotected Children Foundation began an online campaign to protest the continued application of the antiterrorism law to three Mapuche youth held in a SENAME juvenile justice facility awaiting trial. On December 31, the Temuco Appellate Court upheld a lower court's denial of conditional release for one of the youths.

On December 30, a legal reform of the military justice system went into effect that restricts the jurisdiction of the military courts to members of the armed forces and carabineros and explicitly prohibits the prosecution of minors in the military justice system. The law includes transition measures and procedures for the transfer more than 4,600 cases to the ordinary criminal justice system. The reform did not change the jurisdiction of the military justice system for prosecuting all types of crimes committed by members of the Armed Forces or carabineros.

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. CONADI also administered the Land and Water Fund, which provides mechanisms and financing for the acquisition of lands and water rights by indigenous communities. Indigenous rights experts pointed out that the majority of land transferred to indigenous communities via the Land and Water Fund was land already in use by indigenous communities. During the year indigenous groups staged protests over ancestral land disputes.

On July 31, indigenous Rapa Nui families on Easter Island began a sit-in at private and public buildings, including Hotel Hanga Roa, to demand the restitution of ancestral lands. On September 7, a police contingent, accused of using excessive force, evicted the protesters. Protesters reoccupied the buildings afterwards, and the sit-in continued at some of the buildings at year's end. The press reported that the Rapa Nui protesters filed for a protection order before the IACHR on October 1 to prevent the violation of their civil and property rights. On December 3, a police contingent evicted 11 Rapa Nui protesters who had been occupying a government-owned property and detained three of them. Protesters alleged that the police used excessive force at that time and hours later when a group of Rapa Nui individuals returned to the site. The press reported nearly 40 injured in the clash, including three Rapa Nui and one carabinero who were airlifted to the continent for medical treatment. The Government announced a significant increase in the police contingent on the island. On December 27, a public prosecutor announced that he would indict 17 protesters involved in the Hotel Hanga Roa sit-in. On December 28, the Valparaíso Appellate Court agreed to process a protective order in favor of the Rapa Nui injured on December 3. On December 29, a police contingent evicted protesters from the Hanga Roa civic plaza, where they had constructed makeshift shelters and had been demonstrating since March; 10 protesters were injured and nine were arrested. On December 30, the INDH issued a statement deploring excessive use of force by police.

In its 2010 annual report, the Observatory for the Protection of Human Rights reported arbitrary detention, intimidation, and harassment of Mapuche community leaders and legal representatives, as well as of NGOs associated with the promotion of indigenous rights and journalists who cover the issue.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Gay marches and rallies occurred in Santiago and elsewhere in the country without violence or other incidents. The events received appropriate government authorization. The Movement for Homosexual Integration and Liberation (MOVILH) reported 124 cases of discrimination due to sexual orientation in 2009, compared with 65 reported cases in 2008, an increase the MOVILH attributed to the open debate over the rights of sexual minorities during the 2009 presidential campaign, the publication of a manual on diversity and sexual orientation edu-

cation, and a decision by the family court to grant a gay man custody of his two children.

In May 2009 a LGBT couple (former carabinieri) sued the state for 50 million pesos each (\$96,000), alleging that their superiors threatened to make public their sexual orientations if they did not resign. The case remained pending at year's end.

Other Societal Violence or Discrimination.—The law prohibits discrimination against persons on the basis of their HIV status, and in the area of healthcare, the law provides that neither public nor private health institutions can deny access to healthcare services on the basis of a person's serological status. However, several HIV-positive women interviewed for a study by the Center for Reproductive Rights recounted receiving discriminatory treatment in the healthcare setting, especially in reproductive health services. Problems included delayed care, verbal abuse, pressure not to have children, or refusal of treatment.

Section 7. Worker Rights

a. The Right of Association.—Workers have the right to form and join independent unions of their choice without previous authorization. The law enables some government interference in union political and financial activity. Union leaders are restricted from being members of political parties, and the Directorate of Labor has broad powers to monitor union accounts and financial transactions. The Government estimated that 13 percent of the total workforce (approximately 6.7 million) was unionized in 9,801 registered unions. Police and military personnel may not organize.

The law allows strikes, with some limitations, and the Government protected this right in practice. Public employees do not enjoy the right to strike, however, public sector strikes sometimes occurred. On August 26, an estimated 80,000 public employees began a 24-hour strike to protest significant layoffs in the public sector; on November 24, a reported 400,000 employees began an open-ended strike for higher wages. The strike ended on December 16 when public employees agreed to the originally offered 4.2 percent pay increase.

While employees in the private sector have the right to strike, the Government regulated and placed some restrictions on this right. Strikes by agricultural workers during the harvest season are prohibited. The law also proscribes employees of 31 private sector companies, largely providers of services such as water and electricity, from striking, and stipulates compulsory arbitration to resolve disputes in these companies.

The law does not specifically prohibit employers from dismissing striking workers; however, employers must show cause and pay severance benefits if they dismiss strikers.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, but the right of some public employees, entertainers, and temporary agricultural, construction, and port workers to bargain collectively is limited. The Government guarantees collective bargaining rights only at the company level, and where the employer agrees to negotiate with the collective. Collective bargaining in the agricultural sector remained dependent on employers' agreeing to negotiate. Intercompany unions are permitted to bargain collectively only when the individual employers agrees to negotiate under such terms.

According to Freedom House and the International Trade Union Confederation, antiunion practices—including violence against union leaders, unfair dismissals of union leaders, and replacement of striking workers—continued to occur. NGOs reported companies also used subcontracts and temporary contracts as a form of antiunion discrimination and to increase the size of the workforce without collective bargaining rights.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred, primarily for domestic servitude and forced prostitution, including by children. Child prostitution remained a problem, and some children were forcibly employed in the drug trade. Foreign citizens were trafficked into the country for forced labor, notably in domestic servitude, mining, and agriculture.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, and the Government generally enforced these laws. However, despite laws restricting child labor, the employment of children was a problem in the informal economy and in agriculture. Children worked in the production of ceramics and books, and in the repair of shoes and gar-

ments. In urban areas boys commonly worked and carried loads in agricultural loading docks and assisted in construction activities, while girls sold goods on the streets and worked as domestic servants. Children in rural areas were involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, and quinoa. Children also worked in fishing and forestry. Children continued to be exploited for commercial sex and used in the production and sale of drugs and to transport drugs in the border area with Peru and Bolivia.

The law provides that children between the ages of 15 and 18 may work with the express permission of their parents or guardians, so long as they attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health or the child's development. When attending school, children may not work more than 30 hours a week and in no case more than eight hours a day or between the hours of 10 p.m. and 7 a.m. Employers at the local Ministry of Labor inspector's office must register their work contracts.

During the year there were 571 detected cases of children and adolescents involved in the worst forms of child labor, compared with 288 cases in 2009; 44 percent of these cases involved girls. Most reported child and adolescent labor cases involved children over the age of 15 and children not enrolled in school. Examples included commercial sexual exploitation, workplaces lacking minimum safety and health conditions, and illegal activities.

Ministry of Labor inspectors enforced regulations, and while compliance in the formal economy was high, children were employed in the informal economy. During the year the Ministry of Labor imposed some form of sanction in 104 cases involving violations of child labor laws, compared with 47 cases from January to October 2009.

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 annual adjustment. 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 4.2 percent to 172,000 pesos (\$331) a month. This wage did not provide a worker and family with a decent standard of living. As of March 1, the minimum wage for domestic servants was 92 percent of that for other occupations. The minimum wage for workers over age 65 and under 18 was 128,400 pesos (\$247) a month. 720,000 Chileans (11 percent of the workforce) make the minimum wage or less; over 1 million make between 1 and 1.25 times the minimum wage. The Labor Directorate, under the Ministry of Labor, was responsible for enforcing minimum wage and other labor laws and regulations, and it 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 some categories, 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. On June 20, Unity Party presidential candidate Juan Manuel Santos was elected in elections that were considered generally free and fair. On Au-

gust 7, President Santos assumed office from President Alvaro Uribe. The 46-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). Security forces reported to civilian authorities. There were instances in which elements of the security forces acted independently of civilian control.

The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; insubordinate military collaboration with new illegal armed groups and paramilitary members who refused to demobilize; forced disappearances; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary detentions; impunity and an inefficient judiciary subject to intimidation; illegal surveillance of civilian groups, political opponents, and government agencies; occasional 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 and activists, including unfounded prosecutions; violence against women, including rape; violence against Lesbian, Gay, Bisexual and Transgender (LGBT) persons based on sexual orientation; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; some societal discrimination against women, indigenous persons, and Afro-Colombians; and illegal child labor.

The FARC and ELN committed the following human rights abuses: political killings; killings of members of the public security forces and local officials; widespread use of landmines; 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 and use of child soldiers; attacks against human rights activists; violence against women, including rape and forced abortions; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal armed groups, which included some former paramilitary members, also committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) bloc demobilized in 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other new illegal armed groups remained targets of arrest and criminal prosecution. These new groups lacked the political agenda, organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion. The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitary members who refused to demobilize and new illegal armed 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; violence against women, including rape; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

The Government made demonstrable advances in improving the human rights environment. The Santos administration strengthened the Government's relationship with the human rights community by publicly expressing support for human rights defenders and engaging them in dialogue. In addition, the Santos administration implemented new policies to accelerate the return of land to displaced families and advanced a Land and Victims Law to provide for land restitution and victims' reparations. Extrajudicial executions continued to decline, and several senior military officers were convicted of 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.—Political and unlawful killings remained an extremely serious problem, and there were some reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see section 1.g.). There were significantly fewer reports of military officials presenting murdered civilians as killed in combat than in 2008 or 2009.

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), reported excessive police violence against civilians. For example, on April 23, in Chiquinquirá, Boyacá, police officers allegedly beat 67-year-old Jaime Elias Rozo Salinas after arresting him for public drunkenness. The following day he was found seriously injured on a park

bench. Rozo Salinas remained in a coma until he died from his injuries on June 29. The Prosecutor General's Office was investigating the case at year's end.

CINEP reported that there were at least 155 political and unlawful killings, committed by all actors, during the first six months of the year, 37 fewer than those reported in the same period in 2009. Some NGOs, such as CINEP, considered the new illegal armed groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the Government. Those NGOs also included killings by these groups in their definition of "unlawful killings" (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 armed groups, which included some former paramilitary members. Such collaboration occasionally facilitated unlawful killings and may have involved direct participation in atrocities.

For example, CINEP reported:

On January 27, army troops in Miraflores, Guaviare, allegedly committed the extrajudicial killing of two civilians, Jose Heli Gamboa Benilla and Henry Lopez Romero, who were farmers and representatives of their community. Men presumed to be soldiers arrived at Lopez Romero's farm and forced him, his family, and 12 others to the floor and killed the two men. Soldiers took their bodies to San Jose de Guaviare and presented them as having been killed in combat. The case was pending at year's end.

On March 31, near Oripaya, North Santander, police officers allegedly committed the extrajudicial killing of Pedro Gustavo Ladino Sierra. Ladino Sierra, a publicist, was traveling on motorcycle between Cucuta and Puerto Santander when he was stopped at a police roadblock. His body was found on April 2. The case was pending at year's end.

In certain areas, such as Medellin, Antioquia; Tierralta, Cordoba; Tumaco, Narino; Buenaventura, Valle del Cauca; the Uraba region of Antioquia and Choco; and Meta, corrupt dealings reportedly continued between local military and police forces and new illegal armed groups, which included some former paramilitary members. 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 a number of high-profile cases during the year. On December 30, Commander of the Army General Alejandro Navas said the army was investigating more than 100 soldiers for possible ties to an illegal armed group in Meta and Guaviare. Authorities continued to investigate the 2009 case of 11 members of the police accused of collaborating with the illegal group Oficina de Envigado.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. In December the Supreme Court elected a new prosecutor general after a 16-month vacancy. Investigations of past killings proceeded, albeit slowly. Some high-profile cases against military personnel resulted in convictions or were reopened in large part due to testimony in the Justice and Peace process.

According to the NGO Landmine Monitor, nongovernmental actors, particularly the FARC and ELN, planted new landmines (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings (see section 1.g.).

New illegal armed groups, which included some former paramilitary 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 Presidential Program for Human Rights reported that through the end of August, illegal armed groups killed 127 persons in 26 massacres (defined by the Government as killings of four or more persons), a 65 percent increase in the number of massacre victims from the same period in 2009 (see section 1.g.).

b. Disappearance.—Forced disappearances, many of them politically motivated, continued to occur. A joint report by NGOs Latin America Working Group and U.S. Office on Colombia in December reported that the Government's National Search Commission had documented a total of 51,000 forced disappearances registered in Colombia as of November 2010, with 7,197 found alive, 1,366 found dead, and 460 listed as "annulled." The report said more than 42,000 either remained disappeared or may have been victims of forced disappearance. The Prosecutor General's Office charged three members of the armed forces in cases of forced disappearance during the year. According to the Presidential Program and the Disappeared Persons registry, coordinated by the National Institute of Legal Medicine and Forensic Science, 2,900 persons were reported as forcibly disappeared during the first eight months of year. In 2009 the Government presented a new interagency plan to improve ef-

forts to identify remains of victims of forced disappearances. The Government returned 1,295 remains to family members.

On July 7, retired colonel Alfonso Plazas Vega was sentenced to 30 years in prison for his role in the forced disappearance of 11 persons during the 1985 Palace of Justice siege. Plazas Vega was not convicted for violence that occurred during the siege, but rather for the forced disappearance of 11 survivors, who went missing after they left the Palace in military custody. At year's end Plazas Vega remained in custody in a military base and had not been transferred to prison while his case was pending appeal.

In June 2009 the Prosecutor General's Office reopened the 1989 case of the Rochela massacre, in which paramilitary forces, working in collaboration with elements of the military, killed 12 judicial officials investigating the forced disappearances of 19 merchants. Retired generals Juan Salcedo Lora and Alfonso Vaca Perilla were implicated in the massacre and were under investigation. The case was pending at year's end.

Kidnapping, both for ransom and for political reasons, remained a serious problem. The Government's National Fund for the Defense of Personal Liberty (Fondelibertad) estimated 282 people were kidnapped during the year (64 by the FARC, 35 by the ELN, and the rest by other illegal groups). Fondelibertad reported that 188 of the kidnappings were for extortion, an increase of more than 17 percent from 2009. Fondelibertad reported that 79 people were held in captivity as of April and more than 600 cases were under review. Some human rights groups questioned the Government statistics, arguing that many cases went unreported and that several hundred kidnapping victims were held at year's end.

The Unified Action Groups for Personal Liberty, military, and police entities formed to combat kidnapping and extortion, and other elements of the security forces freed more than 60 hostages during the year; Fondelibertad reported that at least six kidnapping victims died in captivity through August, compared with two in 2009. The FARC and ELN, as well as new illegal armed groups, which included some former paramilitary members, and bands of common criminals continued the practice of kidnapping. All illegal groups, including guerrillas, sometimes killed kidnapping victims (see section 1.g.). The FARC voluntarily released 26 individuals through August.

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 generally 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 16 incidents of torture, the same as in the first six months of 2009. The Human Rights Unit of the Prosecutor General's Office charged three members of the armed forces with torture during the year. On December 31, a court in Antioquia sentenced one army officer and four professional soldiers to 40 years in prison for the May 2005 torture and death of Maria Graciela Santamaria Galeano.

CINEP reported, for example, that:

On April 7, members of the 19th Mobile Brigade arbitrarily detained and beat three individuals at a roadblock. Soldiers allegedly pushed the men to the ground and beat and kicked them while the men held their hands on their heads.

On April 20, a prison guard at the Dona Juana Penitentiary allegedly grabbed inmate Rigoberto Garcia Gutierrez by the neck, dragged him to the dining room and beat and kicked him before sending him to the prison infirmary.

There were no developments in the following cases from 2009: the alleged detainment and torture of Gerardo Barona Avirama and James Barona Avirama; the alleged torture of 16-year-old Neftali Blanco; and the alleged detainment and torture of Oscar Gomez Zapata.

CINEP reported that demobilized paramilitary members were responsible for at least seven cases of torture through June, compared with 24 in the same period of 2009.

On October 14, three children were found dead in a shallow grave in Arauca; the eldest, a 14-year-old girl, had been raped. On November 2, Commander of the Army, General Navas, announced that he was suspending seven soldiers from the army's Fifth Mobile Brigade for failing to control their troops: Lt. Col. German Belalcázar Arciniegas, Lt. Col. James Edison Pineda Parra, Maj. James Alberto Granada, Lt. Raul Munoz Linares, Sgt. Luis Giovanni Torrijos Medina, Cpl. Juan Estevan Sanchez Bonilla, and Cpl. Robinson Javier Castro. On November 3, the Prosecutor General's Office charged Lieutenant Raul Munoz Linares with raping the girl and killing her and her brothers and with raping another adolescent girl on October 2. The case remained under investigation by the civilian justice system at year's end.

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 142 national prisons and is responsible for inspecting municipal jails. A 2009 Committee in Solidarity with Political Prisoners (CSPP) report on prison conditions noted overcrowding contributed to poor ventilation, overtaxed sanitary and medical facilities, and inadequate food in some detention centers. Prisoners in some high-altitude facilities complained of inadequate blankets and warm clothing, while prisoners in more tropical facilities complained that overcrowding and inadequate ventilation caused high temperatures in prison cells.

Overcrowding, lack of security, and an insufficient budget remained serious problems in the prison system. More than 84,000 prisoners were held in facilities designed to hold fewer than 64,000; overcrowding rates exceeded 29 percent. Many of INPEC's prison guards were poorly trained, but the NGO CSPP noted that improved training, increased supervision, and more accountability for prison guards helped. INPEC spent 5,300 pesos (\$2.95) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners.

INPEC reported that through August there were 16 violent deaths among inmates related to fighting and the 26 riots that occurred 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 INPEC, 23 prison guards were convicted of extortion and conspiracy during the year.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Minors were not held with adults; however, minor children of some of the 5,684 female prisoners could 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. Prisoners had reasonable access to visitors and were allowed to continue their religious practices. Prisoners were allowed access to legal representatives and the ability to submit complaints to judicial authorities and request investigations of inhumane conditions. While authorities investigated such claims, some prisoners complained that the investigations were slow and not accessible to the public. The Government continued a pilot program with local universities and other organizations to identify and attend to human rights issues within prisons. Prisoners could seek out third parties from local NGOs or government entities such as the Ombudsman's Office to represent them in legal matters and in seeking investigations of prison conditions.

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 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 Administrative Department of Security (DAS) and the Prosecutor General's Corps of Technical Investigators (CTI). The army also shared limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. The Government continued to expand education and training for the armed forces in human rights and international humanitarian law (IHL). The Government's comprehensive human rights and IHL policy for the public security forces emphasized designing better instruction processes and practical training in human rights. During the year the Prosecutor General's Human Rights Unit issued 28 arrest orders for armed forces personnel involved in extrajudicial killings, the majority of which occurred before 2010. 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, delay tactics by defense attorneys, and inadequate coordination among government entities that sometimes caused terms of incarceration to end, thereby resulting in a defendant's release from jail before trial. Many human rights groups criticized the Prosecutor General's Office for indicting low-ranking military personnel while avoiding investigations of high-ranking intellectual authors. The Ministry of Defense relieved from duty four officers and 10 noncommissioned officers and soldiers of the armed forces for inefficiency, unethical conduct, corruption, and other reasons through the end of August. Since 2000, 496 officers and 1,245 noncommissioned officers and soldiers have been retired from the army for these reasons.

Arrest Procedures and Treatment While in 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 CTI, who accompanied military units, could issue such warrants.

Under the accusatorial system that took effect nationwide in January 2008, 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.

Bail is available for all but serious crimes such as murder, rebellion, or narcotics trafficking. Nearly 1,600 public defenders from the Office of the Human Rights Ombudsman assisted indigent defendants. Detainees were granted prompt access to legal counsel and family as provided for under the law.

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 30 persons during the first six months of the year, compared with 113 in the same period of 2009. Many of these detentions took place in high-conflict areas (notably in the departments of Caqueta, Antioquia, and Putumayo) where the military was engaged in fighting insurgents.

The Government and prominent local NGOs frequently disagreed on what constituted “arbitrary detention.” While the Government characterized detentions based on compliance with legal requirements, 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.”

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.

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 Superior Judicial Council (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 oral accusatory system, which was enacted throughout the criminal justice system in 2008, significantly increased conviction rates on newer cases while also lessening the delays and getting rid of the secrecy that encumbered 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 protection program in the Prosecutor General’s Office, from January through August 119 judicial employees sought varying forms of protection from the CSJ for reasons including threats. 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.

There was little change in situation reported in 2009 by the UN special rapporteur on the independence of judges and lawyers that the existence of a high level of threats and attacks against judicial personnel contributed to a high rate of impunity.

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 must be handled by the civilian justice system, although this did not always happen in practice. More than 231 homicide cases were transferred during the year from the military to the civilian justice system. Of these, 140 were sent directly by the military system. In 91 cases the Superior Judicial Council decided jurisdiction in favor of the civilian courts. 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 army has discre-

tionary authority to dismiss personnel who may be implicated in human rights abuses.

The Prosecutor General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which includes 13 satellite offices, specializes in investigating human rights crimes, and its 100 specialized prosecutors were handling a total of 5,728 active cases at the end of November.

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.

During the year the Inspector General's Office opened disciplinary processes against 34 members of the armed forces for human rights offenses. In addition, the Prosecutor General's Office achieved convictions of 95 military personnel during the year.

Trial Procedures.—Under the new accusatorial criminal procedure 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. Crimes committed before implementation of the new code were processed under the prior written inquisitorial system in which the prosecutor is an investigating magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. The “trial” was actually the presentation of evidence and finding of guilt to a judge for ratification or rejection.

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 private fund.

On August 17, Congress passed law 1407, which creates the legal mechanism for the military justice system to transition to an oral accusatory system and allows for government-appointed defense attorneys for military personnel accused of crimes. The roll-out of the new system occurred regionally and was scheduled to be completed in 2012.

Civilian courts convicted military members for past human rights violations, for instance:

On January 14, a judge from the San Juan del Cesar circuit court in La Guajira sentenced three officers and four professional soldiers to 24 years for the homicides of four job seekers who were presented as combat deaths in 2006.

On May 5, the Superior Court of Medellin sentenced four officers and six professional soldiers to 30 years in prison for the homicides of two street vendors presented as combat kills in 2005.

On July 21, the Third Circuit Court of Antioquia sentenced seven soldiers from the Pedro Nel Ospina Battalion to 31 years in prison for the 2005 death of an 18-year-old student who was presented as killed in combat.

Political Prisoners and Detainees.—The Government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees were held on charges of rebellion or terrorism in what the groups reported were harassment tactics by the Government against human rights advocates (see section 5). According to INPEC, there were 1,829 detainees accused or convicted of rebellion or aiding and abetting insurgency. 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.

On April 21, the Supreme Court declared inadmissible tutelas, writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process to seek compensation from the Government. The court announced that those wishing to file such a protection may still appear before competent judicial and administrative authorities to seek redress.

Property Restitution.—The Santos administration proposed a new Land and Victims Law that would provide a means for some victims of violence, including internally displaced persons and victims of state violence, to recuperate land and receive compensation. The legislation was approved by the House of Representatives in December and was awaiting Senate approval at year's end. In addition, the Santos administration began implementing a land restitution “shock plan” to return land to displaced families in high-priority areas. Through December the Government had delivered titles for more than 300,000 acres—including approximately 65,000 acres to indigenous communities and 223,000 acres to Afro-Colombian communities—to 38,167 families. For many small landowners, formal land titling remained inaccessible. Government agencies and human rights groups estimated that illegal groups, including guerrillas, have seized between 1.1 and 2.7 million acres of land from small landowners during the decades-long conflict. Paramilitary groups had stolen the majority, only a fraction of which was reclaimed by the Government after the demobilization of the AUC in 2006.

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 notable exceptions by some intelligence agencies. 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.

Surveillance by the DAS of high court magistrates, journalists, human rights organizations and activists, opposition leaders, and the Vice Presidency prompted an investigation by the CTI in 2009 that continued at year's end. Press reports indicated DAS surveillance included physical monitoring of individuals and their families, telephone and e-mail intercepts, and collection of personal and financial data. A CTI report described a two-fold strategy to mount prosecutions against the victims of the surveillance and to disrupt human rights groups' activities through “offensive intelligence.” A 2009 report by the National and International Campaign for the Right to Defend Human Rights cited examples of DAS harassment, including operations involving diverse attacks, setups, and death threats. Reporters Without Borders published a report in May, *Chuzadas: Colombian Media Targeted by Intelligence Services*, that described DAS activities against journalists. In December local NGO Foundation for Press Freedom (FLIP) published a report, *Espionage Against Journalists: The Word of Justice*, in which FLIP describes DAS activities against journalists and progress in the administrative and criminal investigations. During the year the Prosecutor General's Office investigated numerous DAS employees and had achieved four convictions by year's end.

On October 20, the Bogota Superior Court sentenced Jorge Alberto Lagos, who served as the DAS's counterintelligence subdirector between 2005 and 2009, to eight years in prison for his role in directing and coordinating illegal activities against Supreme Court judges and former senators Piedad Cordoba and Gustavo Petro.

On December 16, the Bogota Superior Court sentenced DAS's former intelligence director Fernando Tabares to eight years in prison for illegal wiretapping of magistrates, journalists, opposition leaders, and human rights defenders.

Lagos and Tabares both received reduced sentences in exchange for providing information on the illegal wiretaps.

On October 4, the Inspector General's Office suspended several former DAS employees from future government service for their role in the scandal, including Jorge Noguera, ex-director of the DAS and Jose Miguel Narvaez, ex-subdirector, both suspended for 20 years. The office suspended for 18 years Bernardo Moreno, former secretary to former president Uribe; Maria del Pilar Hurtado, former director of the DAS; and Mario Aranguren, former director of the Treasury Ministry's Information and Financial Analysis Unit. On October 12, an investigative commission in the House of Representatives opened an investigation into former president Uribe's role in the illegal wiretapping scandal. On November 19, Maria del Pilar Hurtado was granted asylum in Panama, days before the Prosecutor General's Office reportedly was set to file criminal charges against her. DAS Director Felipe Munoz told the press on December 28 that disciplinary processes had been opened against more than 900 employees, more than 160 employees had been fired, and more than 45 legal complaints had been filed against employees. Criminal and administrative investigations into the surveillance continued at year's end.

The Government continued to use voluntary civilian informants to identify terrorists, report terrorist activities, and gather information on criminal gangs. Some national and international human rights groups criticized this practice as subject to abuse and a threat to privacy and other civil liberties.

New illegal armed groups, which included some former paramilitary members, and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, and engaged in forced displacement and conscription. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops. There were numerous credible reports of compulsory abortions to enforce the order.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The country's 46-year-long internal armed conflict, involving government forces, two terrorist guerrilla groups (FARC and ELN), and new illegal armed groups, which included some former paramilitary members, 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 conclusion of a process in which approximately 34,000 paramilitary personnel demobilized between 2003 and 2006, the Government confronted militarily any groups that did not demobilize, as well as new illegal armed groups. The Organization of American States (OAS) continued to verify all stages of demobilization and reincorporation of former combatants into society.

Killings.—Security forces were responsible for alleged unlawful killings. CINEP reported that there were 37 such killings during the first six months of the year, compared with 45 in the same period of 2009. The Human Rights Unit in the Prosecutor General's Office was assigned 1,488 cases, involving 2,491 victims (2,262 men, 111 women, and 118 minors) of extrajudicial killings by the armed forces that occurred between 1985 and 2010. The majority of the killings under investigation by the unit occurred in the departments of Antioquia (413), Meta (115), Caqueta (81), and Norte de Santander (80). A large number of the reported cases involved army members. During the year the Prosecutor General's Office achieved convictions of 95 members of the armed forces for extrajudicial killings in 44 cases; complete information was unavailable on those convicted during the year. At year's end the Prosecutor General's Office was investigating 19 colonels, 14 lieutenant colonels, 51 majors, and 93 captains and hundreds of lower-ranked military personnel.

According to CINEP, the UN High Commissioner for Human Rights (UNHCHR), and the Presidential Program for Human Rights, reports of extrajudicial killings falsely reported as killed in combat fell significantly compared to previous years. CINEP reported four cases involving seven victims through June. The Prosecutor General's Human Rights Unit opened nine new cases of extrajudicial killings alleged to have occurred during the year. The cases reported by CINEP, included:

On March 17, in Cali, police Lieutenant Nelson Rodrigo Gomez Gamez allegedly killed 18-year-old Nelson Rodrigo Lozano Zapata and later claimed that Lozano had threatened police with a weapon. Gomez Gamez was arrested on May 14, on charges of aggravated homicide, fraud, and threatening witnesses. His case was pending at year's end.

On March 25, near Aipe, Huila, soldiers from the army's Ninth Brigade allegedly executed Didier Alexander Clavijo Jimenez and Jorge Eliecer Soto Mahecha and presented them as killed in combat. An investigation by the Prosecutor General's Office continued at year's end.

According to CINEP, unlike in 2009, there were no cases of "social cleansing" killings of vagrants, gay men, lesbians, and other "undesirables" attributed to the Government. Three cases reported in 2009 remained under investigation.

On January 7, a judge released from pretrial detention 17 defendants in the 2008 Soacha killings because they had been detained for 209 days. The judge restricted the defendants to the 13th Artillery Battalion's base. Human rights organizations and former president Uribe criticized the decision. The court cases were pending at year's end.

Among cases involving killings that took place before 2008:

A Superior Tribunal court of Cali upheld a lower court's denial of a request to release seven soldiers implicated in the trial of former sergeant Luis Eduardo Mahecha Hernandez of the Third Brigade's High Mountain Battalion for the 2006 killing of Jose Orlando Giraldo. The court case was pending at year's end.

On March 16, retired army Captain Guillermo Armando Gordillo Sanchez was sentenced to 20 years in prison for his role in the massacre of eight people from the peace community in San Jose de Apartado, Antioquia, in 2005. Gordillo served as a cooperating witness and formally accepted the charges against him of criminal

conspiracy, homicide of a protected person, and barbaric acts for his participation in the massacre. On August 4, a judge in Antioquia found seven of Gordillo's subordinate soldiers from the 47th Infantry Battalion of the 17th Brigade innocent in the same case. Appeals by the inspector general, prosecutor general, and the citizens' representative were pending before the Superior Court of Antioquia at year's end.

The Government continued reforms to improve the human rights performance of the security forces. The Ministry of Defense began implementing an agreement with the UNHCHR to monitor seven of the Ministry's 15 measures to improve adherence to human rights. The reforms included strengthening the new human rights school established in 2009, training more than 3,500 soldiers in human rights issues regarding minority populations (e.g. indigenous, Afro-Colombians), conducting human rights trainings in conjunction with international organizations, establishing a new human rights department under the command of a brigadier general, providing additional training for "operational legal advisors" who provide legal advice on planning, follow-up, and control of military operations and ensuring all soldiers are trained in the new rules of engagement. The Ministry also created four offices of indigenous affairs in each of the military commands and named 41 officials to liaise with indigenous communities.

New illegal armed groups, which included some former paramilitary members, 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 or "social cleansing" killings of prostitutes, gay men and lesbians, drug users, vagrants, and gang members in city neighborhoods they controlled. New illegal armed groups, which included some former paramilitary members, according to CINEP, were responsible for the deaths of 174 civilians through June, a 62 percent decrease from the 279 deaths reported during the same period in 2009.

Guerrilla group members continued to demobilize. According to the Ministry of Defense, during the year 2,446 members of guerrilla groups demobilized, compared with an estimated 2,638 demobilized in 2009, an 8 percent reduction in demobilizations.

FARC and ELN guerrillas killed alleged paramilitary collaborators and members of government security forces. The FARC used civilians to carry out attacks on government security forces. For example:

On March 25, in El Charco, Narino, the FARC convinced an unsuspecting 12-year-old child to carry an explosive device to the local police station. Once he was inside, the FARC detonated the bomb, killing the child and wounding five, including two police officers.

On November 30, FARC members in Vegalarga, Huila, deceived a bus driver into carrying a powerful bomb hidden in a crate of oranges. The FARC detonated the explosive while the bus was parked in front of a police station, killing the driver and wounding 10 police officers and a civilian.

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 del Cauca, Cauca, and Narino departments, they fought each other. Various courts convicted members of the FARC Secretariat in absentia on charges including aggravated homicide.

The FARC killed persons it suspected of collaborating with government authorities or alleged paramilitary groups. The Presidential Program for Human Rights reported that through August, the FARC killed at least 129 civilians, while another 110 persons were killed in massacres in which the perpetrators remained unidentified. For example:

On May 25, the FARC murdered bus driver Diego Enrique Soto by setting fire to his bus near Miranda, Cauca.

On May 31, the FARC murdered three civilians in Puerto Asis, Putumayo, and threw their bodies into the Putumayo River.

On November 17, the FARC murdered a man and his 8-year-old granddaughter with a bomb intended for a police patrol passing by in La Llanada, Narino.

Abductions.—New illegal armed groups, which included some former paramilitary members, FARC and ELN guerrillas, and common criminals continued to take hostages for ransom. According to Fondelibertad, of the 282 individuals kidnapped during the year, 188 were kidnapped for extortion and 162 were attributed to common crime.

Fondelibertad reported that new illegal group members continued to be responsible for kidnappings. During the year government statistics tracked kidnappings by new illegal armed groups as organized crime, which accounted for 21 kidnappings.

The FARC and ELN continued to commit numerous kidnappings, which remained a major source of revenue. The FARC also held politicians, prominent citizens, and members of the security forces to use as pawns in prisoner exchanges. Fondelibertad reported that guerrillas kidnapped 99 persons (the FARC 64 individuals, and the ELN 35).

On March 19, in Tame, Arauca, the FARC kidnapped five oil company workers, who were freed several days later in a military operation.

On December 28, near San Antonio, Tolima, the FARC kidnapped a police officer serving as the bodyguard of the mayor of the municipality of San Antonio.

In the afternoon of December 28, near Santo Domingo, Arauca, the FARC kidnapped a family of five, including a three-year-old child, while they were traveling towards Tame. On the morning of December 29, the Colombian military rescued the family; no one was injured in the rescue.

Military action freed 60 kidnap victims through the end of August, including the June 13 rescue of four high-profile military and police hostages.

FARC members were convicted for kidnappings. On December 28, a court in Villavicencio, Meta, sentenced Eli Mejia Mendoza alias "Martin Sombra" to 24 years in prison for the kidnapping of 61 police officers in Mitu, Vaupes, in 1998.

In a December report summarizing 12 years of kidnapping data and policy, Foundation Free Country criticized Fondelibertad's numbers and said that simple kidnappings were not comprehensively documented. It estimated that over 600 cases of kidnap victims from the previous 12 years were not included in Fondelibertad's database. As a result, families of kidnap victims who were not officially declared as "kidnapped" were unable to obtain government benefits.

Physical Abuse, Punishment, and Torture.—According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, landmines, used primarily by the FARC and ELN, caused 28 deaths and 260 injuries through August, a 43 percent decrease in such incidents from the same period in 2009. Approximately 67 percent of landmine victims during the year were military personnel. The International Campaign to Ban Landmines stated that the FARC continued to be the largest individual user of land mines and that the ELN also continued to use land mines. Government Humanitarian De-mining (HD) brigades cleared more than 155,000 square yards and destroyed 96 improvised explosive devices and unexploded munitions. Military de-mining personnel cleared more than 34,000 square yards and destroyed 388 landmines and 27 unexploded munitions. The Government has signed the Cartagena Action Plan, which commits the Government to ensuring landmine victims receive timely and affordable assistance.

Child Soldiers.—Guerrillas and other illegal armed groups used children as soldiers. The recruitment and use of children by illegal armed groups was widespread. The UN Children's Fund (UNICEF) estimated the number of children participating in all illegal armed groups ranged from 10,000 to 13,000. The Colombian Family Welfare Institute (ICBF) reported that it was impossible to know how many children were serving as child soldiers for the FARC. During the year 338 children who were former members of illegal armed groups surrendered to state security forces and were transferred to the ICBF, which operated a reintegration program for former child soldiers. This represents a 21 percent decrease from 415 child soldiers in 2008. The UN reported that FARC used children to fight, recruit other children to act as spies, gather intelligence, serve as sex slaves, and provide logistics support. The penalty for leaders of armed groups who use child soldiers was life imprisonment. The Government agreed to the International Criminal Court's penalty for child recruitment when it ratified the Rome Statute in 2002 but delayed application of the law to provide an incentive to all illegal groups, especially the FARC, to free recruited children. The Office for the UN High Commissioner for Refugees (UNHCR) linked the phenomenon of forced displacement of families to that of forced recruitment of children. The FARC continued to issue letters to indigenous communities outlining a policy to conduct child recruitment and warning recipients not to challenge it.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Other Conflict-Related Abuses.—There were no updates to 2009 cases involving the following: the January 12 FARC burning of six cars, the February 28 Tomas Vernaza kidnapping, and the May 18 FARC killing of Jesus Duran Aseano.

Guerrilla groups and new illegal armed groups, which included some former paramilitary members, prevented or limited the delivery of food and medicines to towns and regions in contested drug trafficking corridors, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes in strategic zones and to remove individuals who collaborated with the Government or new illegal armed groups, which included paramilitary members who refused to demobilize. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, international organizations 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. After a July visit to Colombia, the United Nations Permanent Forum on Indigenous Issues noted its concern about the situation of extreme vulnerability and abuses committed against indigenous women and children. The Forum received reports of acts of rape, forced recruitment, and use of minors as informants, among other abuses in the context of conflict.

New illegal armed groups and former paramilitary members continued to displace civilians residing along key drug and weapons transit corridors (see section 2.d.).

International organizations reported there was a pattern of systemic sexual violence against women and girls by some armed actors in the conflict. Organizations including Sisma Mujer reported sexual violence remained one of the main causes of forced displacement.

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 (see section 1.f.). A May Reporters Without Borders' report, *Chuzadas: Colombian Media Targeted by Intelligence Services*, described how the DAS allegedly followed, harassed, and intimidated journalists.

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. During the year 175 journalists received protection from the Ministry of the Interior and Justice's protection program. The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hotline. The Prosecutor General's Human Rights Unit was investigating 43 cases of crimes against journalists involving 65 victims. The Unit achieved 23 convictions, and 52 additional defendants were standing trial at year's end.

According to the NGO Foundation for Press Freedom, during the year two journalists were killed for reasons related to their work, compared with one in 2009.

On March 19, Clodomiro Castilla Ospino, editor and owner of the magazine *El Pulso del Tiempo*, was killed outside his house in Monteria, Córdoba. Castilla had participated in a government-run protection program from August 2006 to February 2009, but he later refused continued government protection. After his death, the Government offered a 50 million peso reward (approximately \$25,000) for information about his death.

On October 14 in Cauca Department, two armed men entered the home of indigenous leader and journalist Rodolfo Maya Aricape and shot and killed him in front of his wife and two daughters. Maya was the secretary of the Lopez Adentro Indigenous Council and a correspondent for a community radio station. The Inter-American Commission on Human Rights' (IACHR) special rapporteur for freedom of expression called on the Government to investigate the crime, identify and punish the perpetrators, and provide redress to the victims. The case was under investigation at year's end.

There was progress in cases from previous years. For example:

On October 20, a court in Florencia sentenced the former mayor of Curillo, Caqueta, Esneider Mayorga Corrales, and the convicted murderer, Elber Parra Cuellar, to 42 years in prison for the May 2009 murder of journalist Hernando Salas Rojas. Mayorga Corrales hired Parra Cuellar to kill Salas Rojas after he had launched a movement to remove the mayor from office.

On December 31, the Prosecutor General's Office charged former paramilitary Orlando Villa Zapata, alias "Ruben," with the 2003 killing of journalist Luis Eduardo Alfonso Parada.

According to the Foundation for Press Freedom, a total of 56 journalists received death threats, compared with 65 in 2009. Two journalists went into voluntary exile as a result of threats, compared with four in 2009.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2009 there were 45 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 armed groups, which included some former paramilitary members, and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons, often because teachers represented the only government presence in the remote areas where the murders occurred. According to the Presidential Program for Human Rights, various assailants killed 29 educators, an increase of 35 percent from the same period in 2009. The teachers union, Colombian Federation of Educators, reported 27 educators were killed 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 FARC, ELN, and paramilitary groups, was illegal.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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.

The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

New illegal armed groups, which included some former paramilitary members, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways and rivers, but an enhanced government security presence along major highways suppressed kidnappings. The Ministry of Defense reported only one kidnapping at an illegal roadblock in the department of Narino during the year (see section 1.b.). International organizations also reported that illegal armed groups confined rural communities, hindered return, and prevented the free movement of people, especially in areas where narcotics cultivation and trafficking persist.

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 armed groups, which included some former paramilitary members, and FARC and ELN guerrillas.

Internally Displaced Persons.—The internal armed conflict, especially in remote areas, was the major cause of internal displacement. The Government, international organizations, and civil society identified various factors driving displacement including threats and violence by illegal armed groups against civilian populations; competition among illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and new illegal armed groups; and forced recruitment of children. Some NGOs complained that counternarcotics efforts and large-scale economic projects in rural areas also contributed to displacement. On September 27, the Santos administration introduced a bill to Congress that would provide for the restitution of land stolen by illegal armed groups from IDPs and other victims. On December 13, the House of Representatives approved the bill. The bill was pending consideration by the Senate at year's end. Many international organizations and NGOs expressed support for the land restitution bill as a means to provide reparations to IDPs and to guarantee their rights.

Estimates of the numbers of IDPs varied. Accion Social, the Government's internal displacement welfare and international assistance coordination agency, registered 95,043 new displacements during the year, a 15 percent decline from the same period in 2009 and the third consecutive year of decline in new displacements.

Accion Social cited continued improvement in security and territorial control and enhanced verification of IDP claims as contributing factors in the decline in new displacements. The Government and international organizations also pointed out that the conflict and displacement took place in remote, less populated areas. Accion Social noted that new displacements primarily occur in areas where narcotics cultivation and trafficking persist, especially where guerrilla groups and new illegal armed groups are present, such as the Bajo Cauca area of the department of Antioquia, as well as in the departments of Cauca, Choco, Narino, and Meta. According to Accion Social, during the year, the department of Antioquia registered the highest number of IDPs (18,262), followed by Narino (15,242), Caqueta (8,232), Cauca (7,568), and Tolima (5,948). The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 280,041 persons were displaced during the year, a 2 percent reduction from CODHES' estimate for 2009. This follows a 25 percent decline in CODHES' estimate between 2008 (380,863 IDPs) and 2009 (286,389 IDPs).

The Government has registered an accumulated total of 3.6 million persons displaced since 1997 (including those displaced in years before the registration system was established), while CODHES estimated that more than five million persons have been displaced as a result of the conflict since 1985. Accion Social attributed a large part of the growth in cumulative IDP registrations in recent years to a 2008 Administrative Court (Consejo de Estado) order requiring the Government to include displacements from all previous years in the national IDP registry. Under the previous system, an IDP only had one calendar year from displacement to register. This order also prohibited the Government from removing an individual from the IDP registry regardless of how many years had passed since displacement. During the year 67 percent of the 288,087 IDP registrations included in the national registry were from displacements occurring in 2009 and previous years.

The Government's national registry includes registered IDPs whose applications for recognition had been accepted under defined criteria, while CODHES estimates new displacements based on information from the media, civil society, and fieldwork. CODHES also included as IDPs an undetermined 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 and food insecurity resulting from the armed conflict.

Despite improvements in the Government registration system, international organizations and NGOs remained concerned about under-registration of IDPs. CODHES cited the Government's denial of many registrations, lack of access to the registration system in some areas, and fear of retaliation from illegal armed groups as obstacles to full registration. On July 1, Accion Social reported to the Constitutional Court that under-registration had been significantly reduced in recent years as a result of improvements in the registration system as demonstrated by the large number of IDPs registered from previous years. The Monitoring Commission for Public Policy on Forced Displacement, a civil society body that evaluates and reports on internal displacement, noted important advances in the inclusion of IDPs in the national system, but expressed concern with a rising rate of refusals. During the year Accion Social refused approximately 47 percent of IDP registrations as ineligible, compared with a 40 percent refusal rate in 2009. Accion Social reported that the increased refusal rate was a result of improved verification of IDPs. The Government does provide for an appeals process.

FARC and ELN guerrillas and new illegal armed groups, which included some former paramilitary members, 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 prevent pursuit by state security forces. The FARC, ELN, and new illegal armed groups continued to use force, intimidation, and disinformation to discourage IDPs from registering with the Government; guerrilla agents often forced local leaders and community members to demonstrate against illicit crop eradication efforts, including causing mass displacements. International organizations and civil society expressed concern with the increase in urban displacement caused by violence. During the year the Government registered 4,766 persons as intra-urban IDPs.

During the year the Government registered 4,128 new IDPs who identified themselves as indigenous and 17,118 new IDPs who identified themselves as Afro-Colombian. The indigenous made up 4 percent of new IDPs registered by the Government and Afro-Colombians 18 percent. The Government reported that indigenous people made up 2.5 percent and Afro-Colombians 8.8 percent of the total IDP population. The ICRC and UNHCR reported, however, that indigenous and Afro-Colombian groups were disproportionately affected by displacement in some departments. The

National Indigenous Organization of Colombia (ONIC) estimated the number of displaced indigenous people to be much higher than the Government reports, 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. In October ONIC Director Javier Sanchez told the IACHR that at least 64 indigenous communities risked extinction as a result of the conflict, the primary cause for the displacement of indigenous peoples. CODHES estimated that 7,925 indigenous people were displaced during the year, a 27 percent increase from 2009. The departments with the highest level of displacement of indigenous included Putumayo, Cordoba, Choco, Cauca, Narino, Caqueta, Meta, and Guaviare. The local NGO Association of Internally Displaced Afro-Colombians (AFRODES) reported that 76 percent of displaced who register do not answer the question about ethnicity; therefore official statistics underrepresent the impact of displacement on Afro-Colombian communities. AFRODES estimates Afro-Colombians could make up as much as 25 percent of the total displaced population. CODHES estimated that 70,010 Afro-Colombians were displaced during the year.

In a July report to the Constitutional Court, Accion Social stated that the Government had improved the participation of ethnic minority groups in the planning process for relevant policies and programs, including strengthening the prior consultation process with Afro-Colombian and indigenous communities. The report also mentioned that during the year the Government launched and supported programs for ethnic minority groups as previously ordered by the Constitutional Court, providing for the protection of IDP women (including a specific program for indigenous IDP women), and the implementation of law 1381, passed in 2010 to improve the quality and access of education for Afro-Colombian children.

International organizations identified recruitment of indigenous youth by illegal armed groups as a serious concern. In a May report, UN Special Rapporteur on Indigenous People S. James Anaya urged illegal armed groups to cease recruiting indigenous youth into hostile activities, calling the practice a grave violation of human rights and international humanitarian rights. Anaya also acknowledged the Government's disposition toward recognizing the rights of indigenous peoples, as shown in the development of plans and budgets to address indigenous issues. However, the Special Rapporteur expressed concern with indications that the situation of the indigenous peoples in the country had not been confronted with the urgency that the "grave situation merited." On August 6, as part of its recognition of the International Day of the World's Indigenous People, UNHCR warned that many of Colombia's indigenous groups are in danger of extinction due to murder, threats of violence, and forced displacement. In 2009 the Constitutional Court ordered the Government to provide specific protection mechanisms for 34 indigenous groups at risk for physical and cultural extinction. CODHES reported that 14 mass displacement events during the year affected approximately 4,000 people belonging to Nasa, Embera, Eperara Siapidara, and Jiw indigenous groups.

The local NGO AFRODES stated that threats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific Coast region. AFRODES and other local NGOs also repeatedly expressed concern about large-scale economic projects, such as agriculture, mining, and cattle, contributing to displacement in their communities.

On February 15, UN Independent Expert on Minority Issues Gay McDougall urged the Government to improve the situation for Afro-Colombians, especially in terms of issues related to displacement, land dispossession, poverty, and violence against communities and individuals. McDougall acknowledged that the Government had instituted an "impressive and commendable legislative framework that recognizes the rights of Afro-Colombians;" however, she also found the Government's implementation of the legislation supporting Afro-Colombian rights "inadequate, limited, and sporadic."

The Government, international humanitarian assistance organizations, and civil society observed that mass displacements continued, representing 6 percent of the total 95,043 persons displaced during the year. Accion Social reported 58 mass displacement events affecting 13,752 persons during the year, of which 46 mass displacement events affecting 5,848 persons were included in the national registry. This is compared with 42 mass displacement events affecting 10,443 persons in 2009. According to Accion Social, the departments with the highest numbers of IDPs from mass displacements in the year were Antioquia (2,577), Narino (1,820), and Cordoba (559). During the year, ICRC assisted 9,769 persons, including 5,504 women and 4,824 children, affected by 34 mass displacement events. The UNHCR and the UN Office of the Commissioner for Humanitarian Affairs (OCHA) reported that:

From the last week of January through February, rumors of the presence of 200 members of an unknown illegal armed group and direct threats against community leaders displaced more than 1,000 persons from an indigenous reservation along the Purricha River in the Bajo Baudo area of Caqueta Department.

On February 20, confrontations between the army and the FARC displaced more than 500 indigenous families from rural areas of Caldonio and Jambalo in Cauca Department.

From March 13 to 16, more than 770 indigenous persons from four different rural communities around the town of Caloto, Cauca, fled their homes to avoid clashes between state security forces and the FARC. Indigenous authorities reported one killed and one injured.

During the last week of September, threats by the new illegal group Black Eagles displaced 52 Afro-Colombian families from rural villages in Olaya Herrera, Narino.

OCHA, the UNHCR, and other international organizations reported on mass displacements in other departments throughout the year:

On April 3, 900 persons fled the area of Ituango, Antioquia, as a result of threats against community leaders and the growing use of landmines in the area by illegal armed groups.

On August 2, confrontations between the FARC and security forces in the rural area of El Charco, Narino, displaced more than 300 persons. El Charco recorded more than 18,000 IDPs in the last three years.

On October 1, 183 persons from El Charco, Narino, fled to the municipality of Santa Barbara de Iscuande after members of an illegal armed group killed five persons of the community.

On November 7, unknown assailants killed four members of the Awa indigenous community (including a pregnant woman) in the rural area of Barbacoas, Narino. In a separate incident on November 15, two Colombian soldiers and two civilians were killed and two civilians wounded in an armed engagement between FARC and Colombian military units. Awa authorities warned that an escalation of hostilities in Awa indigenous territories in recent years has contributed to an ongoing high risk of mass displacement in the area.

CODHES also reported that at least eight IDP community and land rights leaders were killed during the year, bringing the number of such leaders killed since 2002 to 41. On May 18, unknown assailants killed Rogelio Martinez of the National Movement of Victims of State Crimes (MOVICE) in San Onofre, Sucre. On June 22, Accion Social issued a statement condemning threats against Afro-Colombian community leaders. On July 17, unknown assailants killed Jair Murillo, an Afro-Colombian IDP leader, in Buenaventura, Valle de Cauca. On September 19, unknown assailants killed Hernando Perez, leader of the Association of Victims for the Restitution of Land and Assets, hours after he participated in a ceremony where the Government delivered land titles to 35 displaced families in Turbo, Antioquia. Authorities were still investigating the cases at year's end. International organizations and NGOs condemned the attacks and continuing threats against human rights and IDP leaders and groups.

There were no updates on the 2009 killings of IDP activists Ana Isabel Gomez Perez (April) and Guillermo Ramos Rosso (July).

The Government budgeted 1.5 trillion pesos (approximately \$800 million) to provide assistance to IDPs during the year. Assistance to registered IDPs was delivered through Accion Social, the ICBF, the Ministry of Social Protection (MSP), and other governmental ministries and agencies. During the year Accion Social provided emergency food assistance to 600,000 persons, primarily IDPs. Accion Social also coordinated the return of approximately 150,000 IDPs during the year. International organizations and NGOs acknowledged the Government's significant progress in improving programs and budgets for IDP assistance, but maintained that the quality of programs providing emergency assistance, housing, income generation, and land restitution needed more improvement. On July 21, the Superior Court of Bogota overturned a decision that ordered Accion Social to pay 30 billion pesos (approximately \$15 million) in retroactive humanitarian assistance to more than 1,500 victims of forced displacement. The decision asserted that humanitarian assistance is temporary and immediate. On November 3, Accion Social, the Prosecutor General's Office, and the Colombian National Police (CNP) established a specialized unit to investigate and prosecute cases of forced displacement and disappearances. The unit included 22 prosecutors from the Prosecutor General's Office, 44 prosecutor and judicial assistants, and 85 investigators from the National Judicial Police. At year's end, the displacement unit was working to transfer approximately 50,000 pending complaints from other units in the Prosecutor General's Office for possible investigation.

Assistance organizations pointed out that emergency response to mass displacements was more difficult and costly to mount, since most displacements took place in more remote locations; however, the speed and effectiveness of the response has improved in recent years. Accion Social and other government agencies could start the response to most mass displacement events immediately. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, and Narino, sometimes delayed national and international aid organizations from accessing newly displaced populations. The Government took steps with international organizations and NGOs to improve the registration system and reduce the wait time, including prioritizing the vulnerable cases, holding registration fairs in high-displacement areas and deploying more resources and equipment.

Despite several government initiatives to enhance IDP access to services and knowledge of their rights and notable improvements in meeting their social and economic needs, many IDPs continued to live in poverty with unhygienic conditions and limited access to health care, education, or employment. In 2004 the Constitutional Court initially found the Government's response to displacement an "unconstitutional state of affairs" and ordered the Government to reformulate its IDP programs and policies, including improving the IDP registration system. In following years, the court also ordered the Government to implement specific protection and assistance programs for displaced indigenous people, Afro-Colombians, women and children, disabled persons, and IDP community leaders. In its July 1 report to the Constitutional Court, Accion Social cited improvements in institutional and territorial coordination, enhanced registration systems, involvement of IDP and community authorities and associations, increased IDP policy and program budget, and improved monitoring and evaluation of assistance and rights. The Monitoring Commission for Public Policy on Forced Displacement acknowledged some of the improvements cited in the Government response but asserted that significant gaps remained. On December 10, the Constitutional Court issued four new orders pertaining to internal displacement, including provisions requiring the Government to implement special protection measures for the Hitnu indigenous community in the department of Arauca and Afro-Colombian communities in Jiguamiando and Curvarado in the department of Choco, as well as to establish timeframes for improving coordination between national and local government entities in providing assistance to IDPs. In order 385, referring to Accion Social's July report, the Constitutional Court acknowledged advances in the Government's response for IDPs, but found that the "unconstitutional state of affairs" persisted, stating that the Government had not yet achieved "a systematic and integrated advance" in guaranteeing minimum protection and effective enjoyment of rights. Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), World Food Program (WFP), ICRC, and Colombian Red Cross, coordinated with the Government to provide emergency relief and long-term assistance to displaced populations.

Displaced persons also sought protection across international borders as a result of the internal armed conflict in the country. UNHCR reported in the 2009 Global Trends Report released in June that Colombia was the country of origin for 104,388 refugees and 64,335 asylum seekers. The majority of these refugees and asylum-seekers lived in Ecuador, Venezuela, Costa Rica, and Panama. During the year, the Governments of Colombia and Ecuador formed a bilateral refugee commission to discuss the situation of Colombian refugees in Ecuador, including plans for voluntary returns. The bilateral refugee commission met three times during the year.

Protection of Refugees.—The law provides for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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, 101 recognized refugees resided in the country. During the year the Government received 131 applications for refugee status, including from persons from Cuba, Eritrea, Ethiopia, and Afghanistan. Of these cases, two persons were approved for refugee status, 112 were rejected, and 17 were pending at year's end. The Government also reported an increase in the smuggling of migrants from outside the region, primarily from Asia and East Africa, en route to the United States and Canada. The Government regularly provided access to the asylum process for such persons who requested international protection; however, near-

ly all abandoned their applications and continued on the migration route before a refugee status determination was completed.

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 are eligible to vote, although they may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation.—In June Unity Party candidate Juan Manuel Santos won a four-year term as president in elections considered generally free and fair. The OAS electoral observation mission stated that the “electoral process was conducted successfully, and this should be understood as an achievement for the Colombian government and people.” The OAS mission also noted that the 2010 elections experienced the lowest levels of violence in 30 years.

Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The election of President Santos and the second-place showing of Antanas Mockus of the newly established Green Party reflected a continued widening of the political arena. More than a dozen political parties from across the political spectrum were represented in Congress.

New illegal armed groups, which included some former paramilitary members, and the FARC threatened and killed government officials (see section 1.g.). According to the Presidential Program for Human Rights, five municipal council members were killed through August, the same number as were killed in the same period in 2009.

Some local officials resigned because of threats from the FARC. A program by the Ministry of Interior and Justice provided protection to 353 mayors, 120 members of Congress, and 3,705 council members at year’s end.

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 16 women in the 102-member Senate and 31 in the 166-member House of Representatives. There were four women in the 13-member cabinet and four on the 23-member Supreme Court. In December the Supreme Court elected the country’s first ever woman Prosecutor General.

Two indigenous senators and two indigenous members 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.

Eleven Afro-Colombians served in Congress. There were eight self-identified Afro-Colombian members of the House of Representatives; six were elected and two occupied seats reserved for Afro-Colombians. The representative from San Andres, which has a large Afro-Colombian population, was not Afro-Colombian but was a member of the Afro-Colombian caucus. Although there were no seats reserved for Afro-Colombians in the Senate, there were three Afro-Colombian Senators. There were two Afro-Colombians serving as deputy magistrates on the Constitutional Court. There were no Afro-Colombian cabinet ministers.

Section 4. Official Corruption and Government 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.

On March 17, the Inspector General’s Office suspended the governor of Casanare for irregularities in contracting procedures and expenses in 2008 and 2009. Other officials from the Casanare government were suspended in late 2009 on similar charges. The suspensions without pay, initially issued for three months, continued at year’s end while the Inspector General’s Office continued to investigate.

On October 25, the Prosecutor General’s Office summoned the mayor of Bogota and 17 other local government employees to testify about irregularities in contracting processes in the city. On November 11, the Office of the Inspector General also ordered an investigation of the mayor and a senator, the mayor’s brother, who was also allegedly involved. The investigations followed the Democratic Pole party’s own internal investigation that found the mayor had benefitted from contracting

processes that were not transparent. The investigations by the prosecutor general and inspector general were pending at year's end.

On September 21, five senior officials from the Ministry of Transportation and the National Concessions Institute, including its director, were forced to resign after recorded telephone conversations implicated them in soliciting bribes in connection with the Central Magdalena railroad concession. Investigations continued at the end of the year.

Investigations into a 2009 corruption scandal involving inappropriate use of the Agriculture Ministry's irrigation and drainage loan program continued during the year. On September 7, a prosecutor from the Anti-Corruption Unit called on a former agriculture minister to testify. In October the inspector general also announced an investigation into the former agriculture minister as well as the former vice minister and seven other government officials. Investigations continued at the end of the year.

In November investigations began into a possible corruption scandal at the Government agency Fondelibertad, which manages anti-kidnapping efforts and assistance for the families of kidnapping victims. Preliminary investigations by the controller general in November found irregularities in contracting procedures and documentation. On December 28, the Prosecutor General's Anti-Corruption Unit began formally questioning the former director of Fondelibertad about contracting procedures. Investigations continued at year's end.

The Justice and Peace Law (JPL) process continued to expose corruption and paramilitary ties within the Government and security forces. The president continued funding for the Supreme Court's investigative unit, which investigated members of Congress and senior government officials. By year's end a total of 15 sitting or previous congressmen had been convicted, 25 were in jail pending the Supreme Court's ruling in their cases, 20 had been acquitted, and eight senators were being investigated. For the Congress that ended in June 2010, 93 members were subjects of criminal investigation.

On September 14, the Supreme Court ordered the incarceration of former senator Javier Caceres after former paramilitary leaders including Salvatore Mancuso and Rodrigo Tovar alias "Jorge 40" said that Caceres participated in multiple meetings with them.

In March a group of 25 politicians were arrested for ties to paramilitaries in Uraba. The group included the then presiding mayor of Arboletes, and several former mayors of other nearby towns.

The primary government body to investigate corruption is the Presidential Program for the Fight Against Corruption.

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 5. 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 and local human rights groups often differed in their evaluations and analyses of the human rights situation. NGOs reported that criticism from high-level officials, including former president Uribe, linking them to guerrilla groups put them at risk of retaliation by new illegal armed groups, which included some former paramilitary members. Many NGOs, however, noted a more positive, conciliatory tone by the Santos government. Many domestic NGOs also said that the Government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas. NGOs claimed that the Prosecutor General's Office had pursued numerous unfounded judicial cases against legitimate human rights defenders with the purpose of discrediting their work. The Government charged that some human rights activists engaged in activities that supported terrorism (see section 1.e.).

On December 28, the Prosecutor General's Office charged a former vice president and former presidential advisor with criminal slander for statements made in 2007 suggesting that three unions were associated with terrorist organizations. The trial was ongoing at year's end.

President Santos and Vice President Garzon made numerous public statements in support of human rights defenders during the year. On October 22, after the U.S.-based NGO Washington Office on Latin America and AFRODES received threats, President Santos issued a press release that reiterated the Government's concern

about the threats, asked authorities to investigate the threats, and expressed the Government's commitment to strengthen protection for human rights defenders. For example, on September 22 the Government announced it was adding 20 billion pesos (\$11 million) to the Ministry of Interior and Justice's protection program. Santos also indicated his support for a bill that would increase the penalty for threatening or killing human rights defenders; the bill passed Congress on December 14 and was awaiting Santos' signature at year's end. On October 20, President Santos met with representatives from Human Rights Watch to discuss how to improve human rights. The Ministry of Interior and Justice's protection program covered 685 human rights defenders.

According to the NGO We are Defenders (Somos Defensores), seven human rights activists were killed and 51 threatened during the first half of the year. Two were female IDP leaders and two were LGBT activists. CODHES reported a rising trend of attacks against women leaders of the IDP population and activists seeking land restitution.

Several NGOs reported receiving threats in the form of e-mail, mail, telephone calls, obituaries, objects, or directly from unknown individuals. According to the UNHCHR, reports of threats continued to increase during the year. The Government condemned the threats and called on the Prosecutor General's Office to investigate them. The Prosecutor General's Office investigated 291 cases of threats against human rights defenders during the year. None of the investigations had resulted in a prosecution at year's end.

A Ministry of Interior and Justice program provided protection to more than 685 human rights activists (see section 2.a.) and enhanced or provided new security at more than 49 NGO offices.

The Government continued to meet with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss steps it had 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 all of them by year's end. In October the Government extended UNHCHR's mandate for three years. On November 22, the Government signed a joint declaration with civil society organizations, the UN, the OAS, and the G24 (a group of 24 diplomatic missions including the United States), to jointly monitor human rights and to work together towards a unified national human rights conference in December 2011 that would establish a government-wide policy on human rights.

The human rights ombudsman is independent, submits an annual report to the House of Representatives, and has responsibility for ensuring the promotion and exercise of human rights. The ombudsman's Bogota office was the headquarters of a national Early Warning System designed to alert public security forces and the national and regional governments of impending massive human rights violations. The Ombudsman's Office was underfunded, which limited its ability to monitor human rights violations effectively. Some human rights groups complained that the Government lacked the political will to publish Early Warning System reports and that a significant number of regional reports were never published. Members of the ombudsman's regional offices were under constant threat from illegal armed groups via pamphlets, e-mails, and violent actions.

The Presidential Program for Human Rights, which operated under the authority of the vice president, coordinated national human rights policy and actions taken by government entities to promote or protect human rights. The program was the Government's primary interlocutor with domestic and international NGOs and with foreign governments on human rights issues. The program published the Human Rights Observer magazine, which provided 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. At year's end, 4,072 persons had been presented as eligible for the JPL; 3,633 of these were former paramilitary members, including 29 commanders, and 439 were former guerrilla members. More than 2,433 testimonies or versiones libres had been taken, in which the Prosecutor General's Office identified 52,263 crimes, more than 46,000 of them homicides. There were 66,773 victims involved in the 52,263 identified crimes. At year's end a total of 323,765 victims had registered with the Prosecutor General's Office, and 3,079 graves had been exhumed involving the remains of 3,763 persons;

remains of 1,384 victims had been identified, and 1,295 had been 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.

The application of the law continued to face many challenges, including thousands of former paramilitary members who remained in legal limbo, and there was little land or money confiscated from paramilitary leaders. There were three convictions of paramilitary leaders since the law's implementation in 2005. NGOs and victims criticized the process' slow pace, while the Prosecutor General's Office said pressure to reveal all truths behind paramilitary crimes delayed prosecutions. Victims remained susceptible to killings, threats, and intimidation.

The Government's Program of Administrative Reparations paid 300 billion pesos (\$150 million) in reparations to victims of illegal armed groups. The Victim Protection Program under the Ministry of Interior and Justice protected 88 victims involved in the Justice and Peace process, and during the year the Government spent 121 billion pesos (approximately \$65 million) on the program. The National Commission for Reparation and Reconciliation maintained offices in twelve cities, including Sincelejo, Pasto, Quibdó, and Medellín. The offices contained one-stop informational centers for victims and assisted victims with enrollment and receipt of legal and psychological support.

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

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, many of these prohibitions were not enforced in practice.

Women.—Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 30 years of 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 reported 18,038 cases of suspected sex crimes, including rape, but indicated that many cases went unreported. New illegal group members, former paramilitary 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 (see section 1.g.). 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 45,000 cases of domestic violence against women, but it noted that only a small percentage of cases were brought to its attention for investigation and follow-up. The law requires the Government to provide victims of domestic violence with immediate protection from further 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. 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.

Couples and individuals had the right to decide on the number, spacing, and timing of children and had the information and means to do so free from discrimination. Women and men had access to contraception. The Population Reference Bureau reported 78 percent use of contraception among married women between ages 15 and 49, and the UN Population Fund estimated the maternal mortality ratio in 2008 to be 85 deaths per 100,000 live births. Women have equal access to health care and diagnosis for sexually transmitted diseases.

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. According to the 2010 World Economic Forum's Global Gender Gap Report, women earned 41 percent less than men for comparable work. 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 managed a program to help women who were microbusiness entrepreneurs and heads of families to get favorable lines of credit for their companies. The previous advisor ended her tenure when President Santos was inaugurated, and at year's end a new advisor had not been named. Through the end of August, the Government provided 3,933 microcredit loans to women, in the amount of 4.5 billion pesos (approximately \$2.4 million). During the year 12,490 women attended 21 government-sponsored seminars on establishing microbusinesses. On January 25, the president created an interagency commission dedicated to the eradication of gender-based violence through Decree 164. The Government demonstrated its support of the OAS' declaration of 2010 as the Inter-American Year of Women by hosting a Summit of Women Entrepreneurs in Cali from June 23 to 27. On November 2, the Government launched an outreach campaign to eradicate gender-based violence as required by Law 1257 of 2008 and a 2008 Constitutional Court decision. The interagency government-sponsored program *Mujer Tienes Derechos, Estamos Contigo* (Women: You Have Rights, We are With You) intends to increase public education about violence against women and provide resources for victims. On November 3, the Minister of Defense launched a new compulsory program of gender equality and sexual rights training for all members of the armed forces. The program includes training that was developed jointly with the United Nations Population Fund.

Children.—Citizenship is derived by birth within the country's territory. By law primary education was compulsory, free, and universal, but this was not always true in practice. Rural schools often could not offer classes because they lacked teachers.

Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported more than 11,000 cases of child abuse. The ICBF reported 7,625 cases of sexual abuse against children. The institute also estimated that approximately 86 percent of reported sex crimes involved sexual abuse of children, most of whom were under age 14.

The 20,000-person Embera Chami indigenous community in Risaralda continued its two-year suspension of female genital mutilation.

According to the ICBF, through November there were 441 reports of minors engaging in independent or forced prostitution; many other cases went unreported. According to the ICBF, through November there were 42 cases reported of children engaged in child pornography. In 2009 the president approved a law that increased the penalties for sexual tourism involving minors, and ICBF identified 29 children through November engaged in these activities. The law authorizes the Government to confiscate profits from hotels and other establishments where sex with minors is performed.

Guerrillas forcibly recruited and used children as soldiers, including indigenous children (see section 1.g.). Children were caught in clashes between illegal armed groups and national security forces. According to the UN, illegal armed groups killed or threatened children with death on suspicion of being informants for the Colombian military.

According to government registrations, 52 percent of IDPs during the year were women and 36 percent were children. Displaced children were particularly vulnerable to physical abuse, sexual exploitation, and recruitment by criminals.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on the convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There were reports of societal abuses or discrimination, including anti-Semitism, based on religious affiliation, belief, or practice. Anti-Semitic acts included graffiti painted on the exterior walls of synagogues and anti-Semitic statements in pamphlets published by small anti-Semitic organizations. The Jewish community had an estimated 5,000 members.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State'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, information, and telecommunications for persons with disabilities, thus limiting the power of the Govern-

ment to penalize those schools or offices without access, but both national and local governments addressed 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.

National/Racial/Ethnic Minorities.—According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the population, described themselves of African descent. However, human rights groups and Afro-Colombian organizations estimated that Afro-Colombians comprised up to 20 to 25 percent of the population. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. 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 armed groups, which included some former paramilitary members, and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.).

On January 12, Colombia and the United States signed the Joint Action Plan on Racial and Ethnic Equality. The plan called on the public and private sectors in both countries to implement programs to share best practices to combat racial inequality and discrimination.

In May the Government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations in Colombia. Palenquera populations along some parts of the country's Caribbean coast, Raizal populations in the San Andres archipelago, and blacks and Afro-Colombians are all Afrodescendants who self-identify slightly differently based on their unique linguistic and cultural heritages. The plan, developed by over 20 different government agencies, described actions for the Government to take to improve access and quality of education, training, development, and diversity in government. Among the plan's recommendations was the proposal that the Ministry of Interior and Justice present a law criminalizing racial discrimination.

In October President Santos created the Presidential Program for Afro-Colombian Affairs, housed in the Office of the Vice Presidency, to address Afro-Colombian needs at the presidential level.

Indigenous People.—The constitution and laws give special recognition to the fundamental rights of indigenous people, who comprise 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 778 reservations, accounting for 30 percent of the country's territory, 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 operating in or around such areas. On March 26, former president Uribe signed a presidential directive which establishes national ethnic groups' fundamental right to prior consultation and reiterates the legal requirement to consult with those communities before any activity with cultural, social, economic, or environmental impact. Some indigenous groups came out against this directive arguing that it was not constitutional, not prepared in consultation with indigenous groups, and that it still did not solve the problem of unclear mechanisms for previous consultation.

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 indigenous lands; however, Ministry of Defense directives instructed security forces to respect the integrity of indigenous communities, particularly during military and police operations. The Ministry of De-

fense'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 protect their rights by investigating 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 people were the country's poorest population and had the highest age-specific mortality rates.

The Presidential Program for Human Rights reported that through August 31 there were 40 homicides of indigenous people, a decrease of 50 percent from the same period in 2009. Unlike in 2009, there were no reported massacres of indigenous people.

On August 13, unknown assailants entered the home of U'wa leader Carmen Elisa Mora Uncacia and attacked and killed her. Mora, who was pregnant, worked as coordinator of the Office of Indigenous Affairs in the mayor's office in Saravena, Arauca.

On August 26, unknown assailants kidnapped and killed Ramiro Inampues and his wife Taita Ramiro. Their bodies were found two days later in El Corso in the Guachucal indigenous reserve in Narino Department. Inampues served as governor of the Guachucal reserve and as a council member in the municipality of Guachucal.

On December 17, unknown assailants shot and killed Medardo Mera Sandoval as he was leaving church in Caldono, Cauca Department. The following day, President Santos condemned the killing of Mera Sandoval, an indigenous leader and community council member, and called on police to investigate the crime. The investigation continued at year's end.

The IACHR condemned these deaths and called on the Government to fully investigate and prosecute those responsible.

There were developments in killings of indigenous people in 2009. On October 7, three men were sentenced to 52 years in prison for the August 2009 massacre of 12 Awa.

In October President Santos created the Presidential Program for Indigenous Affairs, housed in the Office of the Vice Presidency, to address indigenous needs at the presidential level.

The UNHCHR continued to denounce 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 50 killings during the year due to prejudice regarding sexual orientation. On October 2, two unknown male assailants shot and killed transgender Raiza Valencia Cuero in the "El Rodeo" neighborhood of Cali. LGBT activists were the subjects of "social cleansing" threats and attacks (see section 1.g.). The Constitutional Court recognized the right of same-sex couples to a pension; nevertheless, Colombia Diversa reported the law was frequently not applied due to lack of knowledge by government employees. In a 5-to-4 vote on November 11, the Constitutional Court upheld Colombia's ban on same-sex marriage. The Court decided that the case before them did not contain a sufficient legal argument and additional information was needed. At year's end the Constitutional Court was reviewing a case regarding adoptions by same-sex couples but had not released a decision. The city of Bogota implemented an outreach campaign regarding LGBT issues, and every administrative department in the municipal government has a specialist on LGBT issues. The mayor of Cartagena also called for increased outreach on LGBT issues. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. The city of Bogota's Department of Sexual Diversity released a study which reported 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report showed that 53 percent of the LGBT community has been physically attacked for their sexual orientation or gender identity, and in 61 percent of cases the attacker is closely related to the victim. Transgender individuals were victimized the most (64 percent of the community), followed by lesbians (57 percent of the community). This data aligned with reports from Colombia Diversa about societal discrimination. Colombia Diversa reported

cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. On May 17, in Bucaramanga police beat and pepper sprayed three LGBT youths while insulting them for their sexual orientation. According to LGBT NGOs these attacks frequently occurred, but victims did not pursue cases for fear of retaliation.

On February 24, the CNP issued Permanent Directive 004 to continue procedures within the CNP to ensure the LGBT community receives respect and protection of its rights. Colombia Diversa and Cali-based NGO Santamaria Foundation claimed that the directives were insufficient to measure the CNP's progress and that violations had not decreased.

Due to increased pressure not only from Colombian LGBT activists, but also the international community, the state government of Valle del Cauca included sexual diversity in its Human Rights Action and Development Plan. The state government worked with ten municipalities and developed an awareness and training program for government employees, along with victim assistance and health-related programs. The city of Cali created a consultative group regarding sexual diversity that includes representatives from NGOs like Santamaria. A report by the mayor's office cited high levels of discrimination, exclusion, and human rights violations in the transgender community. Programs about sexual diversity were included in schools, with the inclusion of transgender women, in an effort to shift cultural norms; in August the program was suspended. The city of Cali's Secretary of Education received complaints from parents and other community members that the program would promote homosexuality or transgender activities by students and decided to halt the program.

In recognition of World AIDS Day on December 1, the Ministry of Social Protection in collaboration with the United Nations Population Fund (UNFPA) launched a communications campaign to combat the stigmatization and discrimination of those living with HIV/AIDS. The campaign, "We Are Different, But Equal," featured transgender activist Valentina from the Santamaria Foundation. UNFPA explained the campaign intended to highlight the diverse population affected by the disease including some members of the transgender community.

The Office of the Inspector General launched a program, "Strengthening the Preventive Role of the Inspector General on LGBT Population Rights," to provide monitoring of public policies, ensure compliance with judicial decisions, and recommend international tribunals regarding LGBT cases. In addition, it implemented a civil servant training program that involved over 300 public employees on respecting the rights of LGBT individuals including updates to case law, providing differentiated services, and the development, and dissemination of a preventive action plan.

Despite these efforts, Colombia Diversa asserted that members of the Inspector General's Office continued to publicly oppose same sex marriage to the Constitutional Court. NGOs claimed that violence in prisons against persons due to their sexual orientation remained a problem, and they reported confinement and isolation of incarcerated lesbians resulted in the suicide of Dayana Perez on October 25, in the Jamundi Prison. In addition, there have been instances where medical services for transgender men have been denied.

Colombia Diversa reported several cases of threats against human rights defenders working on LGBT issues. Colombia Diversa cited a high level of impunity for crimes against members of the LGBT community. Government-authorized gay pride marches took place in several cities on June 26; there were no reports of insufficient security for the participants.

Other Societal Violence or Discrimination.—There were no confirmed reports of societal violence or discrimination towards persons with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—The law allows some workers to form and join unions and the Government generally respected this right in practice; however, there exist a number of legal restrictions to forming and joining a union, particularly in indirect contracting situations, but unions have been formed despite these legal restrictions. The law does not extend this right to members of the armed forces or police. Approximately 820,000 workers (4.4 percent of the workforce of 18.4 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. While barriers to registration have been overcome, unions cited multiple companies that fired employees that formed new unions. The Ministry of Social Protection continued to investigate a number of claims at year's end.

Threats and harassment of trade unionists continued to affect the exercise of the right to freedom of association, as violence and discrimination against union members discouraged some workers from joining and engaging in union activities. The Presidential Program for Human Rights reported that 34 trade unionists were killed during the year, compared with 28 in 2009, while the National Union School (ENS), a labor rights NGO and think tank, reported that 51 trade unionists were killed during the year, compared with 47 in 2009. ENS and government figures differed because of different methodological definitions of trade union membership; however, due to increased dialogue between ENS and the Presidential Program for Human Rights, multiple cases of murdered unionists were identified which were previously not categorized as such because the Government selects only one category, which causes exclusion of unionists from final numbers.

On February 10, in Montecristo, Bolivar, an armed group shot and killed Jose de Jesus Restrepo and Omar Alonso Restrepo Ospina, leaders of the mining union FEDEAGROMISBOL. Local residents claimed the murders were carried out by paramilitaries. On June 5, in Calle, Valle de Cauca, unknown assailants on a motorcycle shot and killed Hernan Abdiel Ordonez Dorado, leader of the prison workers union ASEINPEC. Both cases were under investigation at year's end.

On August 12, in Medellin, Antioquia, an unknown assailant shot and killed Luis German Restrepo Maldonado, leader of the packaging union Sintraempaques. On December 12, the police arrested John Bayron Cardona Sepúlveda, alias "Jimmy," Alejandro Perez Perez, alias "Alejo," Alexander Correa Rodriguez, alias "Alex," and Hernun Molina Saldarriaga, alias "Pacheco," for Restrepo's murder. Correa, Molina, and Perez accepted charges of aggravated homicide and possession of illegal firearms. All four were in prison awaiting sentencing at year's end. Molina previously served six years of a 32-year sentence for illegal gun possession, but was conditionally released prior to Restrepo's murder. The Prosecutor General's Office believed that the four individuals murdered Restrepo in a joint FARC-ELN operation.

The ENS and other labor groups acknowledged the continued decline in the murder rate but asserted focusing on murders alone masked the true nature and scope of the antiunion violence. About 25 percent of the 11,579 "violations of life, liberty, and integrity" of unionists tallied by ENS since 1986 were murders; the rest ranged from death threats and disappearances to harassment and illegal searches. Labor groups noted that in some regions nonlethal violations were on the rise. ENS reported 443 total violations for the year—in addition to the 51 reported homicides, there were 306 death threats, 20 nonlethal attacks, six disappearances, three arbitrary detentions, three illegal searches, 33 cases of forced displacement, 16 cases of harassment, and five kidnappings.

Teachers made up the largest percentage of union members and were the largest percentage of victims of violence by illegal armed groups, both because they constituted 27 percent of all registered unionists and because of their presence in rural, conflict-ridden parts of the country. The Presidential Program for Human Rights reported that 18 of the 34 unionists killed during the year were teachers, while ENS reported 29 of 51 unionists killed were teachers. The teachers union Colombian Federation of Educators (FECODE) reported one nonunion educator was killed during the year, for a total of 27.

The Ministry of Interior and Justice provided protection to 10,806 at-risk individuals of whom 1,454 were trade union leaders (others protected included journalists, human rights advocates, and social leaders); the protection program received annual funding of 144 billion pesos (\$72 million). In September the Minister of Interior and Justice, citing the continued risks posed to human rights defenders and labor leaders, announced that the Government would increase the protection program's budget by 20 billion pesos (\$11 million). The Ministry of Education managed a separate protection (transfer) program for educators, the majority of whom are unionized. On November 24, Vice President Garzon announced a plan to better protect unionized teachers, based on a proposal from FECODE. At year's end details of the plan had not been released.

Since 2000 the Prosecutor General's Office obtained 353 convictions for violent acts against trade unionists, including 76 during the year. A special Labor Sub-Unit set up in 2006 was assigned 1,387 cases to investigate and process. The majority of the 1,387 cases remained under investigation or in the preliminary stages of the prosecutorial process. Labor groups recognized important advances made by the Labor Sub-Unit of the Prosecutor General's Office, but said more needed to be done to end impunity for perpetrators of violence against trade unionists. They also claimed prosecutors charged with carrying out investigations into historic impunity cases failed to look for evidence of anti union biases as a motive for abuses.

Steps within the legal system have been taken to prosecute and punish criminals associated with labor-related cases. Since 2008 the Colombian judiciary, per a tri-

partite International Labor Organization (ILO) agreement, has assigned three specialized judges to exclusively hear cases involving violence against unionists. A 2009 law increased prison sentences and the statute of limitations for homicides of union members. During the year the Prosecutor General's Office reported convictions in several high-profile cases:

On June 8, the 11th Criminal Circuit Court of Bogota, responsible for priority cases as designated by a tripartite agreement at the ILO, sentenced a former AUC member to 39 years in jail for the 2003 murders of a union-affiliated teacher and a photographer in Palmira, Valle del Cauca.

On July 23, the 11th Criminal Circuit Court of Bogota responsible for priority cases as designated by a tripartite agreement at the ILO cases sentenced a former paramilitary member to 15 years in prison for the 2001 murders of Drummond union leaders Valmore Locarno Rodriguez and Victor Hugo Orcasita Amaya in Cesar.

The law provides for the right to strike, and workers exercised this right in practice. According to the ILO, members of the national labor federations and confederations, armed forces, police, and persons performing "essential public services" were not permitted to strike. During the year the courts declared three work stoppages illegal.

Before conducting a strike, unions must follow prescribed legal procedures and give advance notice to their employers and local authorities. The law dictates that a strike can only occur during contract negotiations or collective bargaining procedures. The law prohibits the use of strikebreakers. The law prohibiting public employees from striking was often ignored. Employees are not required to accept binding arbitration if they cannot reach an agreement.

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 economy, antiunion attitudes, and violence against trade union leaders contributed to making organizing difficult, limiting workers' bargaining power across sectors. Some economists also suggested that mandatory high nonwage benefits to provide a source of funds for vocational training and family welfare programs such as day care centers, nutrition programs for low-income families, and counseling in the formal sector depressed formal employment and thus union membership, and increased informal employment. According to the ENS, in 2009, 1.36 percent of the workforce was covered by a collective bargaining agreement. No new data for 2010 was available at year's end.

There were no examples of public sector collective bargaining agreements since the law prohibits them. Public sector employees can negotiate "concentrated agreements," but by definition these are not collective bargaining agreements. Employers continued to hire workers through temporary contracts, service agencies, and associated workers' cooperatives (CTAs). This practice limited worker rights and undermined worker protections by preventing unionization and collective bargaining among seasonal, temporary, and contract workers. The continued growth and prevalence of CTAs diminished collective bargaining and other worker rights because CTA workers were not covered by the labor code and hence could not bargain collectively. Law 1233 of 2008 requires CTAs to register with the Government and provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered to directly hired employees, however, it did not extend collective bargaining rights to CTA workers.

Decree 4588 prohibits the use of CTAs as subcontractors when they do not own the means of production, when they are used to perform core functions for a company, and when a company itself directly disciplines CTA workers. Evidence suggests many cooperatives nonetheless engaged in illegal forms of subcontracting, and in some cases private-sector employers forced workers to join CTAs they themselves managed. The Government has the authority to fine labor rights violators but seldom shuts down repeat offenders. During the year the Government investigated 907 cooperatives and pre-cooperatives and sanctioned 102. The total amount of the fines levied against these 102 cooperatives and pre-cooperatives was approximately 395 million pesos (\$219,000). In practice nominal fines assessed by the Government did little to dissuade violators.

While Law 1233 of 2008 and Decree 4588 were designed to better regulate CTAs, unions continued to voice reservations about the strength of the law and decree, and the Government's ability to adequately regulate due to labor inspector shortages. Congress passed legislation on December 16 on labor cooperatives, and it was signed into law by President Santos on December 29; the provision was folded into President Santos' larger employment formalization bill. This change to CTAs would pro-

vide a mechanism for dissolution of CTAs that violate labor rights and do not adhere to labor law. Further, it would levy heavy fines for those in noncompliance starting in July 2013.

Collective pacts between individual workers and their employers were also used as an alternative, often weakening or replacing the benefits of a collective bargaining agreement. Collective pacts give employers the right to negotiate accords on pay and labor conditions with groups of workers at any time in workplaces where no union is present or where a union represents less than one-third of employees. Labor groups noted that when a minority 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.

Roughly 75 percent of the workforce in Colombia's ports is employed under flexible non-labor contracts and consequently not allowed to join unions or bargain collectively. Sugar and ethanol refineries also utilized CTAs as a means of subcontracting labor to third parties, and many sugarcane cutters, predominantly Afro-descendent and indigenous men, were required to belong to a CTA in order to gain employment. In the example of sugarcane cutters, the workers formed unions in order to enhance collaboration. The law does not clearly define if this is legally permissible, but the unions were respected throughout the sugarcane sector.

Unionists continued to advocate for revision to the labor code, which currently defines a "worker" as a direct hire with an employment contract, to cover a greater percentage of the workforce.

While the law prohibits antiunion discrimination, other longstanding ILO and international criticisms of the labor code remained unaddressed, including employers' right to fire trade unionists who participate in illegal strikes or work stoppages as determined by the courts, and the prohibition of strikes in a wide range of public services that are not strictly "essential," as defined by the ILO.

There are no special laws or exemptions from regular labor laws in export processing zones. The labor law applies in the country's 58 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 7.d.). Also see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

New illegal armed groups, which included some former paramilitary members, and FARC and ELN guerrillas practiced forced conscription. These groups also retaliated against deserters by threatening them and their families. Some deserters were killed. There were some reports that FARC and ELN guerrillas and new illegal armed groups, which included some former paramilitary members, used forced labor, including forced child labor in coca cultivation, in areas outside government control (see section 1.g.). Forced labor, including organized begging, and forced commercial sexual exploitation, often of internally trafficked women and children, remained a serious problem.

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 problem in the informal and illicit sectors. Significant incidences occurred in the production of clay bricks, coal, emeralds, gold, coca, and pornography. The ICBF reported 1,149 complaints of labor exploitation and 562 child victims of commercial sexual exploitation (481 in prostitution, 44 in child pornography, and 37 in sex tourism). The ICBF assisted 1,240 children victimized by commercial sexual exploitation throughout the country.

The minimum age of employment is 18. Children aged 15 to 18 may work no more than 15 hours per week with signed documentation filed by their parents and approved by the MSP. Children under the age of 15 may work as apprentices in a family-owned enterprise if it is located on the same property as the family's residence, with MSP's permission. Labor law strictly states that children under the age of 15 cannot work outside of family enterprises. While labor law (Resolution 1677 of 2008) includes agricultural work as a "worst form of child labor," exceptions exist. For example, the Government has approved some agricultural apprenticeship programs for children from 14 to 17 through the National Service Learning Agency (SENA).

According to the last National Administrative Department of Statistics (DANE) study, conducted in 2007, there were 11.3 million children between the ages of five and 17, of whom approximately 787,000 worked. Member organizations of the National Inter-Agency Committee to reduce the worst forms of child labor and to protect minor workers reported that up to two million children worked, the majority

illegally. NGOs reported that 37.6 percent of children who worked did not receive payment.

The legal minimum age for work was consistent with completing basic education. Child workers are prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Although children were prohibited from working in a number of specific occupations, including mining and construction, in practice these prohibitions were largely ignored. Children worked in artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many instances with the approval and/or insistence of their parents.

While children are prohibited from working in most agricultural activities in accordance with Resolution 1677 of 2008, some educational institutions modify schedules during harvest seasons so that children may help on the family farm.

The ICBF identified and assisted 3,413 children working in illegal mining operations during the year. Most children were found working in the departments of Tolima (1,200), Narino (587), and Antioquia (585). Estimates of the total number of children who worked in illegal mining operations varied from 10,000 to 200,000. The Government reported that approximately 8,500 children were working in illegal mining. The labor 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.

There were instances of forced child labor in mines, quarries, and private homes. According to the DANE, children also worked, sometimes forcibly, in the illegal drug trade and other illicit activities. Several thousand children were forced to serve as combatants, prostitutes, or coca pickers for the FARC, ELN, and new illegal armed groups, which included some former paramilitaries (see section 1.g). Also see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

The MSP's 423 labor inspectors nationwide were responsible for enforcing child labor laws; in the formal sector (which covered approximately 20 percent of the child labor force), they did so through periodic inspections. However, resources remained 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 Government also sought to reduce demand for child labor through public awareness and training efforts, often working with international organizations. The Colombian Sugar Cane Producers Association (ASOCANA) continued to support a child labor awareness project at approximately 3.6 billion pesos (\$2 million). The program educates parents and children about the importance of education, and provides additional opportunities for parents to earn income for their household rather than having their children work. ASOCANA's program promotes and consolidates coordination with public and private sectors; this outreach has facilitated the participation of 22 municipal governments. In addition, the association continues to support the ILO's project in Colombia to eradicate child labor.

The Colombian National Emerald Federation (Fedesmeraldas) signed an agreement with the IOM, ICBF, and USAID to support mining community families to improve living conditions, to prevent child labor in emerald mines, and prevent recruitment of children by illegal armed groups.

The MSP, with ILO assistance, developed a "virtual" training program for labor inspectors in the departments of Cundinamarca, Boyaca, Tolima, and Meta. The 40-hour training program was sufficient to provide inspectors with details on how to approach situations where the worst forms of child labor were discovered.

In November the Government announced an increase in government support to eradicate child labor to complement the Government's 2008 national strategy to prevent and eradicate child labor. The plan utilizes inter-agency coordination to promote the overall welfare of children—including access to education and health services. The Government, in conjunction with the IOM and UNICEF, provided services to former child soldiers and carried out awareness-raising campaigns to prevent the recruitment of children by armed groups.

e. Acceptable Conditions of Work.—The law requires an annual meeting of a tripartite "Commission of Salary and Labor Policies" comprising organized labor, business, and government representatives to negotiate the minimum wage. When the commission cannot reach an agreement—as seen again in 2010—the Government can establish the minimum wage. The Government establishes a uniform minimum wage every January, which serves as a benchmark for wage bargaining. The monthly minimum wage was approximately 515,000 pesos (\$285), a 3.6 percent increase from the previous year. The national minimum wage did not provide a decent stand-

ard of living for a worker and family. Furthermore, the Government remained unable 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.

Security forces and other officials closed 56 illegal mines as part of a comprehensive inter-agency initiative that began after President Santos took office. At year's end the Ministry of Mining and Energy continued to review the legality of 3,000 mines. In addition, reports indicate that the CNP in conjunction with the Ministry of Mining and Energy investigated possible illegal mines in the department of Bolívar, in particular those connected to the FARC. Investigators reported that the FARC's Magdalena Medio Bloc controlled approximately 15 gold mines in Bolívar Department and was actively involved in the extortion of heavy-equipment operators. According to the investigation, the FARC could be receiving approximately 1.6 billion pesos (approximately \$850 million) per year from these activities.

The law provides protection for workers' occupational safety and health in the formal sector, 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 in the formal sector. Similar conditions were even more common in the informal sector, where workers sometimes suffered physical or sexual abuse. The law provides workers with the right to leave a hazardous work situation without jeopardizing continued employment, and the Government enforced this right. Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs if they criticized abuses. The Colombian Flower Industry Association (ASOCOLFLORES) continued to implement voluntary principles on environmental and worker safety practices and reduced the use of pesticides. Nevertheless, problems remained, particularly among producers who remained unaffiliated to ASOCOLFLORES.

COSTA RICA

Costa Rica is a constitutional democracy with a population of approximately 4.5 million and governed by a president and a unicameral Legislative Assembly that are directly elected in multiparty elections every four years. On February 7, Laura Chinchilla Miranda of the National Liberation Party (PLN) was elected the country's first female president in elections that were generally considered free and fair. Security forces reported to civilian authorities.

The following human rights problems were reported: substantial judicial process delays (particularly in pretrial detention and civil, criminal, and labor cases), 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On May 27, a trial court sentenced two uniformed police officers to 72 years in prison for the 2008 killing of two persons.

There were no developments in the 2007 case of a police officer involved in the killing of a robbery suspect.

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 coercion is invalid, and the Government investigated, prosecuted, and punished agents responsible for confirmed cases of abuse.

During the year the Ombudsman's Office recorded 27 complaints of police abuse; as of December 31, two complaints had been resolved and 25 remained under investigation. The ombudsman conducted investigations as a preliminary step, with any recommendation for action forwarded to the respective agency for investigation or follow up.

Prison and Detention Center Conditions.—Although the Government continued to improve prison conditions during the year, overcrowding, poor sanitation, lack of health services, and violence among prisoners remained a problem 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.

Prison overcrowding continued to increase. On December 15, the Justice Ministry's Social Adaptation Division reported a total population of 20,564 under its supervision (including 10,586 prisoners in closed regime centers, 1,049 persons required to spend nights and weekends in jail, 8,452 in supervised work programs requiring no jail time, and 477 juveniles) and indicated that on average prison populations exceeded designed capacity by 22 percent. The Social Adaptation Division also reported that there were 629 prisoners at the San Jose women's prison and 27 women prisoners at the Liberia prison as of December.

The San Sebastian, San Carlos, Cartago, Liberia, Perez Zeledon, Puntarenas, Limon, La Reforma, Gerardo Rodriguez, Buen Pastor, and Pococi prisons remained overcrowded at year's end, with the population in pretrial detention experiencing the most overcrowding. In San Sebastian, where most prisoners in pretrial detention were held, 983 prisoners lived in unsanitary conditions in a facility with a capacity of 632. To mitigate these conditions, some pretrial detainees were held together with convicted prisoners in long-term detention facilities throughout the country.

Medical care at most facilities was generally adequate for routine illnesses and injuries, and there was a doctor on duty at all prisons. However, prisoners were referred to the social service system for complex medical problems, such as HIV/AIDS, with consequent treatment delays.

In June the Ombudsman's Office reported that some prisons had inadequate space available for resting; prisoners had to sleep on deteriorated mattresses on the floors, underneath the beds of other prisoners, or even in hallways and bathrooms. Overcrowding also raised questions of health risks, since many prisoners claimed that they had to wait months for medical attention. There were long lines for bathrooms, water, telephones, and recreation within prisons, and the Ombudsman's Office reported that security and administrative staffing was insufficient to care for the increasing prison population. There was an average of three corrections officers to oversee 100 inmates.

Prisoners generally were separated by age, gender, and level of security (minimum, medium, and maximum), but overcrowding sometimes prevented proper security level separation.

Prisoners had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. In the event such complaints were not processed, prisoners could submit them to the Ombudsman's Office. The Ombudsman's Office, through the National Prevention Mechanism against Torture, periodically inspected all detention centers.

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.

In March new prison units with a capacity for 23 additional inmates went into service at the San Carlos and the Older Adult prisons. In December the Ministry of Justice reported that it began the contracting process for the construction of additional units to increase capacity for 640 inmates at the Liberia, San Carlos, Perez Zeledon, Limon, San Rafael, and Puntarenas prisons.

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. Civilian authorities maintained effective control over the 13 agencies that have law enforcement components, including the judicial branch's Judicial Investigative Organization. The Ministry of Public Security is responsible for the uniformed police force, the drug control police, the border police, and the coast guard. The Ministry of Public Works and Transportation operated the traffic police, and the Ministry of Justice operated the penitentiary police.

There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment While in 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 post bail and prompt access to an attorney and to family members; authorities generally observed these rights in practice. Indigent persons are provided a public attorney at government expense. Even those with sufficient personal funds are able to use the services of a public defender. With judicial authorization, authorities may hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days if preventive detention is previously ordered and there are reasons to believe that suspects may reach an agreement with accomplices or may obstruct the investigation in any other way. Suspects are allowed access to attorneys immediately before submitting declarations. Authorities promptly inform the suspects of any offenses under investigation.

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 court review every three months of cases of suspects in pretrial detention to determine the appropriateness of continued detention. Under the 2009 organized crime law, if a judge declares a case is related to organized crime, special procedural rules apply that extend the maximum period of preventive detention from 12 months to 24 months; the statute of limitations is 10 years from the date of the last crime. According to the Ministry of Justice, as of December 15, there were 2,733 persons in pretrial detention, constituting approximately 26 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. In 2009 approximately 230,000 criminal complaints were filed with the judicial branch, 7,000 of which went to trial, with a conviction rate of 56 percent.

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 the portion of the trial where the minor is called to testify. Defendants have the right to be present during the trial and consult with an attorney in a timely manner. Victims can request special arrangements in the courtroom to avoid unwanted contact with defendants. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for indigent persons. The law provides for detainee and attorney access to government held evidence, and during the trial defendants can question witnesses and present witnesses on their own behalf. Defendants enjoy a presumption of innocence and, if convicted, have the right of appeal. The law extends these rights to citizens and noncitizens alike.

Authorities continued to expand the use of fast track courts in the provinces to expedite prosecution of criminal cases when the suspect was arrested while committing a crime. On April 15, the judicial branch opened a fast track court in Limon. Fast track courts provide the same protections and rights as other courts.

Regional Human Rights Court Decisions.—In 2009 the Inter-American Court of Human Rights ruled that reforms to the judicial appeals system did not comply with the Inter-American Convention on Human Rights, clarifying its 2004 ruling that required the Government to reform its appeals system. On May 31, the Government submitted a new compliance report stating that it had established criminal courts of appeal. On November 22, the Inter-American Court of Human Rights reported that the country complied with the judgment.

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 that presides over lawsuits in civil matters, including human rights violations. Administrative and judicial remedies for alleged wrongs are available.

Property Restitution.—The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. In some cases, property rights were irregularly enforced and duplicate registrations occurred.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such practices, and the Government generally respected these prohibitions in practice. Judges may approve the use of wiretaps during the investigation of certain crimes, but restrictive legal guidelines made the use of wiretaps infrequent. The 2009 law against organized crime reformed electronic surveillance

procedures by mandating the creation of a communications investigation center under the judicial branch to run all wiretapping. The center was not operational 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 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.

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 provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. In February the Supreme Court's High Court of Criminal Appeals overturned a 50-day prison sentence against a journalist accused of libel in 2004. The court decision invalidated an article of the press law that made offenses against honor punishable with prison.

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

In July the Supreme Court ruled that Internet access is a fundamental right. A study published during the year by a subsidiary of the Electricity Institute reported that nearly 30 percent of households had Internet access, and the International Telecommunication Union reported that there were 34 Internet users per 100 inhabitants in 2009. More than a million citizens had access to Internet from their households, with an average of three hours of access a day and three persons in the household using the service. Other locations where citizens had access to Internet were educational institutions, workplaces, Internet cafes, and Wi-Fi hotspots.

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

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, 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.—For a complete description of religious freedom, please see the 2010 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 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, stateless persons, and other persons of concern.

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 the Government did not use it in practice.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The General Directorate of Immigration is in charge of refugee status determination. The law requires adjudication of claims within three months of receipt; however, in practice, decisions took from six to eight months. According to reports from the directorate's refugee department, from July to October, 120 cases were denied review by the commission and were in an appeal process at the end of the year.

Applicants cannot work legally until the directorate approves their cases. Applicants have access to education.

The General Directorate of Immigration reported 8,678 refugees as of August, compared with 12,298 recognized refugees reported by the UNHCR at the end of 2009, most of whom were from Colombia. The decrease was largely attributable to the fact that, once refugees obtained permanent residency in the country, the General Directorate no longer counted them as refugees. There were 168 extraregional asylum seekers during the year, according to official data of the Immigration Directorate. According to the UNHCR, there were 231 such cases and a total of 920 asylum requests during the year. Many asylum-seekers did not appear at the Immigration Directorate to carry on with their status application process. The Government and the UNHCR reported that most of these individuals simply used the asylum request as a means of obtaining a document that enabled them to cross the country on their journey toward the United States. Due to the low recognition rates, the UNHCR had to consider an increasing number of rejected asylum seekers as "persons of concern" in need of international protection. The UNHCR estimated that annually there were some 400 to 500 persons of concern, whose cases it checked to determine whether they needed international protection.

An immigration law that took effect in March creates a separate office within the General Directorate of Immigration to deal specifically with refugee problems. The law also creates a commission, which is responsible for the granting of refugee status, and an immigration review tribunal for the appeals process. The commission began its work in July, but the tribunal had not been constituted as of year's end.

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 rudimentary structures on the plantations. 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 coffee plantations. The Government attempted to advise the migrant population to register at birth all children born in the country. As of September, immigration authorities reported that the Ministry of Foreign Affairs granted four persons the immigration category of stateless person and the Immigration Office provided them with documents. The Government detected and assisted these immigrants under UN parameters.

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 free and fair elections based on universal suffrage conducted by secret ballot every four years. The independent Supreme Electoral Tribunal ensured the integrity of the elections, and the authorities and citizens respected the election results.

Elections and Political Participation.—In national elections held on February 7, Laura Chinchilla Miranda of the PLN won the presidency and became the country's first female president in elections that generally were considered free and fair. The Organization of American States team that monitored the election praised the peaceful and normal way in which the process unfolded.

Political parties operated without restriction or outside interference. The constitution and the electoral code establish the right of all citizens to organize themselves in parties to participate in national politics. The internal structure and operation of parties should be democratic according to the law.

The Supreme Electoral Tribunal (TSE) requires that a minimum of 50 percent of candidates for elective office be female and that women's names be placed alternately with men on the ballots by party slate. In August the TSE reported that 49 percent of the candidates running for office in the December local government election were women. There were nine women in the cabinet. There were 22 women in the 57-seat Legislative Assembly, including the vice president of the assembly, the Government party leader, and nine legislative committee chairwomen, representing 38.6 percent of seats. The deputy chief justice of the Supreme Court, the presidents of the High Court of Civil Appeals and the Constitutional Chamber were women.

Indigenous persons did not play significant roles in politics or government except on problems directly affecting their welfare, largely because of their relatively small numbers and physical isolation by their own preference. There were no indigenous or black members in the Legislative Assembly or the cabinet. There was one black head of a government agency.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption and the Government generally implemented these laws; however, there were isolated cases of officials engaged in corrupt practices with impunity. The Government took the following actions to combat corruption. In June the Office of the Comptroller General, the Office of the Solicitor General, the Chief Prosecutor's Office, and the Institute against Drugs signed a letter of intent to establish an alliance to fight corruption. The Office of Public Ethics developed a national plan of action to comply with recommendations from the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption. The Office of Public Ethics initiated a strategy to promote the right of access to public information. The passage of the 2009 Law on the Protection of Victims, Witnesses, and other Persons Involved in Criminal Proceedings improved protection of public servants and private citizens who in good faith report acts of corruption.

Public officials were subject to financial disclosure laws. 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.

Judicial investigations continued in the 2008 case of the housing minister who resigned following controversy over using a foreign donation to pay fees to various government consultants and to purchase equipment. The Government also continued to investigate a 2009 case of the former minister of the environment on allegations that he preferentially awarded government bids to a corporation that had connections with his family.

In June the Supreme Court's Constitutional Chamber ruled partially in favor of a former legislator accused of using a government airplane to attend a campaign event. The TSE had sought to remove her from her position because the law stipulates that political parties cannot use public resources for campaigns. The court found that the constitution does not give the TSE authority to remove legislators for unethical actions and instructed the TSE to formulate a reform to the constitution and regulations. The trial of former president Miguel Angel Rodriguez, which began in April 2009, remained pending at year's end. In August the judges imposed precautionary measures against Rodriguez for obstructing the process by trying to prevent a witness from testifying.

The law provides for public access to government information, and the Government generally respected this right to access for citizens and noncitizens, including foreign media. 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.

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

A number of domestic and international human rights groups operated without government restriction. Government officials were cooperative and responsive to their views.

The Ombudsman's Office has six regional offices and more than 150 employees to review 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 Legislative Assembly with nonbinding recommendations. The position carries strong moral and symbolic weight.

A special committee at the Legislative Assembly studies and reports on problems relating to the violation of human rights and reviews bills relating to human rights and international humanitarian law. The committee also follows up on recommendations from the Ombudsman's Office.

Section 6. 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. The length of the sentence depends on the victim's age and other factors, such as the 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 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 because either the victim or the victim's family were reluctant to press charges against the perpetrator. According to the judicial branch's statistics office, courts tried 373 cases of rape or attempted rape in 2009 and sentenced 184 defendants. According to official statistics, the number of cases of sexual violence increased during the year. A domestic NGO assisted 83 victims during the year, but only 10 percent of those submitted police reports.

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 a domestic violence 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 including referrals for social services and rehabilitation.

INAMU assists women and their children who are victims of domestic violence in its regional office located in San Jose as well as in three other specialized centers and temporary shelters in remote areas. INAMU reported that, during the year, 39 women and girls died from domestic violence, the same as reported in 2009. INAMU maintained a domestic abuse hotline connected to the 911 emergency system and provided counseling to 4,578 women as of September. According to the judicial branch's statistics office, in 2009 authorities opened 10,510 cases of domestic violence throughout the country, compared with 14,706 cases in 2008. In 2009, there were 245 cases tried and 119 persons sentenced for crimes of violence against women.

The public prosecutor, police, and ombudsman have offices dedicated to domestic violence problems.

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 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 210 complaints of sexual harassment in the workplace during the year, the vast majority of which came from employees of the uniformed police force (part of the Ministry of Public Security). On June 2, an amendment to the law entered into force that establishes a procedure for sanctioning sexual harassment offenses committed by public officials elected by popular vote.

Individuals have the right to obtain information and access safe methods of contraception from public hospitals and medical attention centers, as well as the right to receive medical care during pregnancy and childbirth. Women have equal access to diagnosis and treatment for sexually transmitted infections, including HIV. Women generally did not experience barriers to reproductive health services. The public health care system plays a major role in how women may access contraception, including access to sterilization. In public as well as private health care, the right to obtain and use contraceptives extends to all members of the population. The Population Reference Bureau reported that the rate of contraceptive use among married women was 80 percent. Approximately 94 percent of women had skilled attendance during childbirth in the public healthcare system. The UN Population Fund estimated the maternal mortality ratio in 2008 to be 30 deaths per 100,000 live births.

The law prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. The Government maintained offices for gender problems in most ministries and parastatal organizations. The Labor Ministry is responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women. During the year INAMU implemented a training program for men and the uniformed police that discussed male attitudes towards women. INAMU provided training that addressed gender-based violence, trafficking in persons, and commercial sexual exploitation during the year. INAMU also supervised basic courses on HIV prevention and attention. In addition INAMU developed a sys-

tem of accreditation for offender assistance programs as stipulated by the violence against women law.

In 2009 the Census Institute (INEC) reported that women represented 42.1 percent of the labor force. Approximately 3.5 percent worked in agriculture, 11.5 percent in manufacturing, and 85 percent in the service sector. Women occupied 47.4 percent of professional and technical positions, 18.8 percent of high-level managerial/executive positions, and 33.9 percent of nonprofessional positions. The law requires that women and men receive equal pay for equal work. However, INEC estimated that earnings for women were 91.6 percent of earned income for men.

Children.—Citizenship is derived by birth within the country's territory or from either of one's parents. According to the UN Children's Fund, skilled medical staff attended 99 percent of births in hospitals, where all births are registered immediately. There were occasional problems encountered in the registration at birth of children born of migrant parents (see section 2.d.).

Abuse of children remained a problem. For 2009 the judicial branch's statistics office reported 691 cases of sexual abuse of minors and 16 cases of attempted abuse, with 355 and nine perpetrators convicted, respectively. In addition, 33 cases involved sex with minors, 16 involved cases of sex with minors with payment involved, and four involved the sexual corruption of minors. During the year the autonomous National Institute for Children (PANI) assisted 2,533 children and adolescents, including 3,330 cases of physical abuse, 769 cases of intrafamily sexual abuse, and 537 cases of extrafamilial 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 year, PANI reported that it assisted minors in 104 separate cases of commercial sexual exploitation. The law against commercial sexual exploitation includes sanctions for possession of child pornography, greater protection for children younger than 14 years, and an extended statute of limitations for child abuse. In addition, PANI continued programs of comprehensive care for children and adolescents at risk and in vulnerable situations, combined with a program to help adolescent mothers return to school. The Government also identified child sexual tourism as a serious problem. The law criminalizes the commercial sexual exploitation of children and provides sanctions of up to 18 years in prison. During 2009 and the first six months of the current year, PANI reported assisting 34 minor victims of trafficking in persons and smuggling; of the 34 cases, 29 took place in San Jose and the Central Pacific coast of the country. During 2009 there were 103 cases of commercial sexual exploitation of minors in the Central Pacific coast, the Brunca, and the Atlantic regions where there were greater incidences of poverty, unemployment, school desertion, and drug addiction.

The minimum age of consensual sex is 18 years. The law provides for sentences from two to 10 years in prison for statutory rape and sentences from three to eight years in prison for child pornography. Sentences are lengthier in aggravated circumstances: for example, rape involving physical violence or a victim under age 13 is punishable by 10 to 16 years' imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were some reports of anti-Semitic verbal abuse in public and occasional instances of anti-Semitic graffiti at public universities. The alleged victims did not press charges. Jewish Zionist Center estimated that there were 3,000 Jews in the country.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care access, or other state services. There were no reports of such discriminatory practices in education or in the provision of other state services. However, the Ombudsman's Office reported that, although there were some institutional efforts to improve the situation, there were isolated instances where a lack of interagency coordination prevented the implementation of comprehensive strategies to protect the fundamental rights of persons with disabilities. The Ombuds-

man's Office reported problems in access to employment for persons with disabilities.

Although the law mandates access to buildings for persons with disabilities, the Government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. In 2009 the Supreme Court's Constitutional Chamber upheld an appeal in favor of the right of persons with disabilities to gain access to state-owned or private facilities open to the public. Public transportation services improved access slightly for persons using wheelchairs. During the year the Ombudsman's Office received and investigated 29 complaints about violations of the law that protects equal opportunities for persons with disabilities.

The TSE, with the assistance of the National Council on Disability (CNREE), implemented a program to facilitate the right of persons with disabilities to vote and participate in electoral activities. The TSE provided voting equipment (a Braille template) which enabled blind voters to vote independently and privately.

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 24 special education centers exclusively to assist special education students and those with disabilities, two more inside state hospitals, and an additional institute for the blind. In addition, 2,129 schools had programs to provide some support to students with disabilities, and the ministry provided special education to 14,815 students who registered in 2009.

The CNREE is responsible for protecting the rights of persons with disabilities and for coordinating all organizations working on issues related to persons with disabilities.

A political party, Accessibility without Exclusion, represented the interests of persons with disabilities and held four seats in the Legislative Assembly. In addition, a member of this party was elected mayor of the city of Liberia.

National/Racial/Ethnic Minorities.—There were sporadic reports of discrimination, including labor discrimination, usually directed against Nicaraguans. At a November 12 information fair funded by a foreign government, approximately 1,000 migrants, mainly Nicaraguans, received information about their labor, economic, and human rights.

Indigenous People.—The 2000 census recorded 63,876 indigenous persons from eight ethnic groups, accounting for 1.7 percent of the population. Seventy-three percent of the indigenous population lived in traditional communities on 24 reserves, most in remote locations. 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 sought to return reserve land to indigenous groups. During the year the Ombudsman's Office received six complaints of discrimination against indigenous persons, including problems related to documentation, community development, and the right to be consulted about national legislation that might affect indigenous life, territories, or culture.

The Ombudsman's Office reported that the Government excluded indigenous persons from decision-making processes regarding education, infrastructure, housing, and public services. The indigenous communities of Terraba, Curre, and Boruca were concerned about the sociocultural and environmental impact in their reserves of the development of the Diquis hydroelectric dam project. The Ombudsman's Office opened an investigation on this case, which continued at year's end.

At year's end, nonindigenous property owners continued to hold title to land on approximately 39 percent of the reserves legally set aside for indigenous ownership. 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws prohibiting discrimination against persons based on sexual orientation, and there were isolated cases of discrimination against persons based on sexual orientation.

Organizations for lesbian, gay, bisexual, and transgender persons operated freely and lobbied for legal reforms. On June 27, a gay pride march occurred in San Jose; police authorized the march and provided protection to marchers.

The Ombudsman's Office resolved one of four complaints of discrimination based on sexual orientation that it received during the year. In August the Supreme Court's Constitutional Chamber rejected a proposed referendum vote on civil unions between individuals of the same sex. The ruling annulled a TSE resolution that authorized the collection of signatures for a referendum vote to be held during the De-

ember municipal elections. The justices ruled that such a referendum would put the minority gay and lesbian population at a disadvantage, requiring government authorities to protect their rights. The court stated that the decision on homosexual civil union is a legislative, not an electoral issue.

In June the TSE issued new rules for national identification cards to respect sexual identity on photographs. The new rules must be applied in the TSE regional offices and consulates abroad.

Other Societal Violence or Discrimination.—The law and a presidential decree prohibit discrimination based on HIV/AIDS in health care, employment, and education. During the year the Ombudsman's Office reported receiving one complaint of discrimination against patients with HIV/AIDS. In February the Constitutional Chamber of the Supreme Court ruled that the HIV test must not be a requirement for employment.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without prior authorization. Workers exercised this right in practice; however, restrictions on the minimum number of employees (12) needed to form a union may have hampered freedom of association in small enterprises. The law permits foreign workers to join unions but prohibits them from holding positions of authority within the unions. In July the Ministry of Labor and Social Security reported that approximately 11.5 percent of workers were unionized in 295 active unions.

The law allows unions to conduct their activities without government interference. However, leadership of SINTRAJAP, the union for the country's largest ports, alleged that government officials colluded with a dissident group within the union to remove them from office because the union board opposed the concession of the ports of Limon and Moin. Through a series of questionable actions, the board members were removed in January and replaced with a new board that supported the concession of the ports. On August 25, the Supreme Court's Constitutional Chamber found that there had been a violation of due process, annulled the decision to remove the prior board, and ordered the Ministry of Labor to reinstate the ousted leadership. In September the Legislative Assembly formed a special committee to investigate and analyze all current and future concession processes and to provide recommendations to improve the concession model. As of December, the committee was exclusively devoted to investigating the concession of the highway to the Pacific coast.

The law provides for the right to strike and workers exercised this right in practice, but at least 60 percent of the workers in an enterprise must support the strike. ILO considered this requirement excessive.

Restrictions on the right to strike apply to those services designated as essential services by the Government, including those that concern the national economy or public health. The ILO noted that this also includes sectors such as oil refineries and ports that are not considered essential under international standards. Unions argued that the Government's broad definition of "essential services" denied many workers the right to strike.

b. The Right to Organize and Bargain Collectively.—The constitution protects the right of workers to organize and bargain collectively; however, there were barriers to exercising these rights in practice. The Labor Ministry did not have data available to determine the percentage of the workforce covered by collective bargaining agreements. As of October, the Labor Ministry reported the signing of 13 collective bargaining agreements, nine of them in the public sector and four in the private sector.

Although public sector employees are permitted to bargain collectively, a 2006 decision of the Constitutional Chamber of the Supreme Court held that some fringe benefits received by certain public employees were disproportionate and unreasonable; it repealed sections of collective bargaining agreements between public sector unions and government agencies, thus restricting this right in practice.

According to the Labor Ministry, there were further developments in agreements signed in 2009 and substantive changes regarding the right of public sector employees to bargain collectively. The ministry reported that the Labor Chamber of the Supreme Court concluded that collective agreements negotiated by employers and public employees, whose labor relations are regulated by labor law, are constitutional. However, there are restrictions in certain cases; for example, agreements in the public sector are legal so long as they do not regulate the working conditions of workers engaged in the administration of public affairs (in executive positions). The Constitutional Chamber of the Supreme Court also rejected some unconstitutionality petitions against collective bargaining agreements in the public sector. Such labor and

constitutional rulings could reduce the number of future petitions against approved clauses in collective bargaining.

The law requires employers to initiate the bargaining process with a trade union if more than one-third of the total workforce, including union and nonunion members, requests collective bargaining. The Government enforced this law in practice. In the private sector, however, “direct bargaining arrangements” between employers and nonunionized workers occurred more commonly. Such direct agreements were permitted in both unionized and nonunionized businesses. In a 2008 study, the ILO concluded that such direct bargaining agreements disadvantaged workers because they did not result from balanced negotiations of two independent, adequately equipped parties. The Ministry of Labor reported 33 new direct agreements in the private sector as of October.

The law permits the formation of “solidarity associations,” which provide access to credit for housing, education, and health, funded by contributions from both workers and employers. These associations were often organized by employers. The law prohibits such associations from representing workers in collective bargaining negotiations or in any other way that assumes the functions or inhibits the formation of trade unions. However, labor unions asserted that in practice solidarity associations conducted negotiations and that employers sometimes required membership in a solidarity association as a condition for employment. Trade union leaders contended that the existence of worker solidarity associations in many enterprises displaced unions and discouraged collective bargaining. Under solidarity associations, both employers and employees directly contribute to the financing of the association. According to the ILO, such associations, to the extent that they displaced trade unions, discouraged collective bargaining, affected the independence of workers’ organizations from employers’ influence, and contravened ILO Convention 98 on the right to organize and bargain collectively. As of July, 1,423 solidarity associations had approximately 255,492 members, representing 15 percent of the country’s workers; 84 percent of these workers were in the private sector.

Although the law prohibits antiunion discrimination and employer interference in union activity, there continued to be a pattern of employers firing employees who wanted to unionize. There were reports that some employers preferred to use “flexible,” or short-term contracts, making it difficult for workers to organize and collectively bargain. There were also reports that migrant workers in agriculture were often hired on short-term contracts through intermediaries. These workers faced antiunion discrimination, challenges in organizing, and were often more vulnerable to labor exploitation.

Although the Government reviewed cases of antiunion discrimination, the ILO continued to note that such cases often took an extremely long time to obtain a final ruling in the court, often due to numerous appeals. Similarly, the International Trade Union Confederation noted that the reinstatement process for workers that have been unfairly dismissed averaged three years. There was some progress in increasing the overall efficiency of judicial proceedings, but it was unclear what direct impact this has had on labor cases. Government mediation centers also continued to help alleviate caseload and address some labor disputes. The Labor Ministry reported 7,620 requests for conciliation during the year, 3,824 of which led to hearings; of these, 2,638 ended with agreements. However, trade unionists continued to assert that employer positions in these proceedings were often imposed on workers. The Ministry of Labor received 10 complaints of antiunion discrimination. As of November, six cases were pending, and the remaining four were closed.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs). Labor unions alleged, however, that efforts of EPZ workers to organize were met by illegal terminations of activists, threats, and intimidation. Unions also claimed that employers in the zones maintained blacklists of workers identified as activists. The ILO confirmed it found no trade unions operating in the country’s EPZs but also identified the zones as a hostile environment for organizing.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred.

The National Coalition against Trafficking identified and studied two possible cases of trafficking in persons for the purpose of forced labor (in the fishing sector) during the year. One case involved 10 victims and the other involved 41 victims, all from Asian countries. The coalition referred them to the judicial authorities for investigation. Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides special occupational protection for minors. The code of children and young persons prohibits labor of all children under age 15 without any exceptions; it super-

sedes the minimum working age of 12 established in the labor code. Adolescents between the ages of 15 and 18 may work for a maximum of six hours daily and 36 hours weekly. The law prohibits night work and overtime for minors. The law prohibits those under age 18 from engaging in hazardous or unhealthy activities. On December 20, the Legislative Assembly approved the list of activities considered hazardous, although its publication in the official gazette was pending at year's end. Under the code of children, working minors are entitled to attend educational establishments through flexible programs adapted to their interests and employment conditions and to participate in apprenticeship training programs. According to the ILO and the Labor Ministry, working minors between the ages of 15 and 18 sometimes received less than the minimum wage.

Child labor, including the worst forms of child labor, occurred in several sectors of the economy, including in agriculture, fishing, construction, and service sectors of the economy—such as street vending, car washing, and domestic service. Child labor was mainly an issue in the informal economy; however, in some cases child labor was used in production on family farms and small third-party farms.

The Ministry of Labor is responsible for enforcing child labor laws and policies; the Office for the Eradication of Child Labor (OATIA) is responsible for coordinating government efforts against child labor. The ministry coordinated with National Institute for Children (PANI) on child protection issues. In general, the ministry effectively enforced child labor regulations in the formal sector through inspections. Resource limitations constrained government efforts to enforce child labor laws in the informal labor sector.

During the year, PANI received 40 complaints of child labor exploitation. From January to November, the OATIA detected and assisted 237 minors working mainly in agriculture, construction, domestic service, car washing, and street sales. During 2009 the Labor Ministry's Inspections Office conducted 149 child labor inspections. In the same year, the OATIA identified 16 minors below the age of 15 engaged in hazardous work as well as 33 minors older than 15 but younger than 18 engaged in such work. The OATIA assisted 388 working minors and referred them to government institutions to be included in social programs that contribute to the progressive elimination of child labor and which favor reinsertion and permanence of children and adolescent workers in the educational system.

The OATIA continued four projects aimed at improving the life and work conditions of adolescent workers and eradicating child labor. The OATIA with assistance from ILO's International Program on the Elimination of Child Labor developed a road map to combat child labor, connected to the national strategic plan to achieve the goals established by the ILO's Decent Work Agenda for the Hemisphere (2006-15).

e. Acceptable Conditions of Work.—Monthly minimum wages for the private sector ranged from 128,526 colones (approximately \$254) for household workers to 473,758 colones (\$935) for university graduates. The Labor Ministry effectively enforced minimum wages in the San Jose area, but generally was not effective in enforcing the minimum wage law in rural areas, particularly where large numbers of migrants were employed. The national minimum wage also applied for migrant workers. The minimum wage did not provide a decent standard of living for a worker and family. In August the Labor Ministry publicly recognized that many workers, including in the formal sector, received less than minimum wage. Unions also reported systematic violations of labor rights and provisions concerning working conditions, overtime, and wages in the EPZs.

Inspectors are not authorized to establish fines and sanctions for employers who do not comply with labor laws. Inspectors investigate and refer noncompliance results to labor courts. The process to fine companies and get back wages and/or overtime pay may take years.

The constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of eight hours a day or 48 hours weekly. Overtime work is paid at a rate of 50 percent above the stipulated wages or salaries. All workers are entitled to one day of rest after six consecutive days of work and annual paid vacations. Although there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours.

Nonagricultural workers must 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 generally enforced in the formal labor market in San Jose but poorly enforced in rural areas and in the informal sector.

Labor unions reported that overtime pay violations, such as nonpayment, and mandatory overtime were common in the private sector and particularly in EPZ in-

dustries. Unions asserted that overtime was required to preserve employment, that there were violations of premium payment requirements for overtime work, and, in some cases, that workers did not receive 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 also allows the Government to inspect workplaces and fine employers for violations. Most firms established such committees but did not use them effectively. There were reports that agricultural workers, particularly migrant laborers in the pineapple industry, worked in unsafe conditions, including being exposed to chemicals without proper training. The Chamber of Pineapple Producers and Exporters disagreed with the reports. The Ministry of Labor, in coordination with the Health Ministry and the National Insurance Institute, conducted three inspections in the provinces of Alajuela, Puntarenas, and Heredia and took concrete actions through the Inspection Directorate and the Occupation Safety Council to address labor problems identified in the pineapple industry.

Although resource constraints continued to hinder the Labor Ministry Inspection Directorate's ability to carry out its inspection mandate, there were 14,385 inspections conducted in 2009. According to the Ministry of Labor, inspections occurred in response to complaints, per advanced scheduling, and at random in specific regions or activities. Workers who considered a work condition to be unhealthy or unsafe must make a written request for protection from the Labor or Health Ministry in order to remove themselves from the condition without jeopardizing their employment. The ministries generally addressed these complaints effectively by sending inspection teams to investigate them and coordinate with each other on follow-up actions.

CUBA

Cuba, with a population of approximately 11.4 million, is a totalitarian state led by Raul Castro, who held the positions of chief of state, president of the council of state and council of ministers, and commander in chief of the Revolutionary Armed Forces. The constitution recognizes the Communist Party (CP) as the only legal party and "the superior leading force of society and of the state." Fidel Castro, who formally relinquished power to his brother in 2008, remained the First Secretary of the CP. The 2008 legislative elections were neither free nor fair; a CP candidacy commission preapproved all candidates, resulting in the CP candidates and their allies winning 98.7 percent of the vote and 607 of 614 seats in the National Assembly. Security forces reported to civilian authorities.

The Government denied citizens the right to change their government. In addition, the following human rights abuses were reported: harassment, beatings, and threats against political opponents by government-organized mobs and state security officials acting with impunity; harsh and life-threatening prison conditions, including selective denial of medical care; arbitrary detention of human rights advocates and members of independent organizations; and selective prosecution and denial of fair trial. Authorities interfered with privacy and engaged in pervasive monitoring of private communications. The Government also placed severe limitations on freedom of speech and press, constrained the right of peaceful assembly and association, restricted freedom of movement, and limited freedom of religion. The Government refused to recognize independent human rights groups or permit them to function legally. In addition, the Government continued to place severe restrictions on worker rights, including the right to form independent unions.

The Government released more than 40 political prisoners, including many notable human rights activists arrested in 2003. Although most of these were released on the condition they leave the country, during the reporting period the Government allowed one to remain in the country. The releases, mediated by the Cuban Catholic Church, came in the wake of street protests and severe international criticism following the death from hunger-strike of political prisoner Orlando Zapata Tamayo. During conversations with the church, the Government indicated that it planned to release all political prisoners in the near future.

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 abusive treatment of detainees and prisoners. However, there were verified reports that members of the security forces harassed and sometimes physically assaulted human rights and prodemocracy advocates, dissidents, detainees, and prisoners, and did so with impunity. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation cells.

The Government continued to stage public protests to harass and abuse activists and their families. Although the Government characterized the mobs as spontaneous, participants frequently arrived in government-owned vehicles or were recruited by local CP leaders from nearby workplaces or schools. In extreme cases, government-orchestrated mobs assaulted the targets or damaged their homes or property. Undercover police and agents from the Ministry of the Interior's General Directorate for State Security (DGSE) were often present and coordinated activities with mob leaders. Government officials at the scene did not arrest those who physically attacked the victims or respond to victims' complaints. On more than one occasion, officials took part in the beatings.

Many of these state-orchestrated "acts of repudiation" were directed against the Damas de Blanco ("Ladies in White"), a group of mostly female relatives and supporters of political prisoners, many of those prisoners were arrested in the spring of 2003.

During the week leading up to the March 18 anniversary of the 2003 arrests, the Damas held daily marches to commemorate the anniversary. On March 16, the Government bused in approximately 100 counter-demonstrators who surrounded the Damas and shouted insults and progovernment slogans. On March 17, the Damas attempted to march through a neighborhood on the outskirts of Havana, but as the march progressed, approximately 300 progovernment counterdemonstrators arrived on buses, surrounded the Damas, shouted insults, and physically assaulted the marchers. Plainclothes police formed a ring around the Damas, providing protection from the worst of the blows, while state security officers were observed coordinating with mob leaders. Eventually, the mob completely blocked the path of the Damas, and police dragged the marchers onto a waiting bus. Foreign diplomats also observed state security officials drag a male relative of one of the marchers away, then repeatedly kick and punch him. All participants in the march were detained briefly and then released without charges.

In the first half of the year, the Government also tried to prevent the Damas from staging their weekly march after Sunday Mass, which they had been doing unimpeded since their spouses were arrested in 2003. The confrontation escalated over the subsequent weeks, as the crowd of counterdemonstrators swelled in numbers and intensity, while police prevented all but a handful of Damas from reaching the church. On April 18, progovernment forces surrounded the Damas as they left the church and prevented them from marching, screaming insults and obscenities while banging on pots and pans. On April 25, they again were surrounded after leaving church, forced into a nearby public park where they were assaulted, taunted, including with sexual and ethnic insults, and prevented from moving for more than seven hours. State security officials intervened and forced the ladies onto a public bus. The standoffs ended the following week, when Catholic Cardinal Jaime Ortega received assurances from President Castro that the Damas would be allowed to resume their Sunday marches.

Prison and Detention Center Conditions.—Prison conditions continued to be harsh and life threatening. The Government did not permit independent monitoring of prison conditions by international or national human rights groups and did not permit access to detainees by international humanitarian organizations. Food shortages were widespread, available food was often spoiled or infested with vermin, and many prisoners relied on family parcels of up to 30 pounds of food and other basic supplies that were brought during each visit.

Prison cells lacked adequate water, sanitation, space, light, ventilation, and temperature control. Running water was rare and, if available, generally ran only for a limited time. Water for drinking and bathing was foul and frequently contaminated with parasites. Many prisoners reported receiving only one small glass of water per day, even when confined to sweltering cells during the summer. Vermin

and insect infestations were common, with inmates reporting rats, cockroaches, fleas, lice, bedbugs, stinging ants, flies, and mosquitoes. Prisoners reported that they lacked access to basic and emergency medical care, including dental care. Prisoners engaged in hunger strikes throughout the year to demand medical treatment.

Reports of beatings of prisoners were commonplace, and included beatings by prison officials as well as among prisoners. There were some reports of prisoner-on-prisoner sexual assaults, generally due to lax security by prison guards, and at least one report of rape by prison guards, although reports of sexual abuse were generally rare.

On February 24, political prisoner Orlando Zapata Tamayo died in government custody after conducting an 11-week hunger strike. Zapata's family alleged that prison officials denied him adequate care and medical treatment during the strike. Government officials, including President Castro, countered that Zapata received adequate treatment and had been informed of the health risks of a hunger strike.

On June 12, the Government released political prisoner Ariel Sigler Amaya, who suffered from paraplegia as a side effect of severe malnutrition, after seven years in prison. On July 28, Sigler Amaya departed the country to seek medical treatment abroad.

Prison cells were overcrowded, requiring prisoners to sleep on the floor and limiting freedom of movement during the day. Prisoners often slept on concrete bunks without a mattress. Where available, mattresses were thin and often infested with vermin. Prisoners reported that slight improvements at the end of 2009 (such as increases in mattress distributions and some alleviation of overcrowding) did not continue during the year.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated hypertension, diabetes, heart conditions, asthma, skin disease, infections, digestive disorders, and conjunctivitis, among other maladies. Prisoners also reported outbreaks of dengue, tuberculosis, and hepatitis. Prison health workers often reused syringes, despite the existence of communicable diseases among inmates.

The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) reported multiple prison deaths from heart attacks, asthma attacks, and other chronic medical conditions, as well as from suicide.

The Government did not publish the number of prisoners or detainees, nor did it provide information regarding the number or location of detention centers, which included not only prisons but also work camps and other kinds of detention facilities. Estimates from unofficial sources of the prison and detention center population size vary widely, from as low as 30,000 to as high as 80,000. Men and women were held in separate prisons and police detention facilities. Generally, women reported suffering the same poor prison conditions as men, including lack of access to basic and emergency medical care. Women also reported lack of access to feminine hygiene products and adequate prenatal care. The Government did not release information on the treatment of minors at either youth or adult prisons or detention centers. There were reports of inmates as young as 15 in maximum-security prisons.

Political prisoners and the general prison population were kept in similar conditions. By refusing to wear standard prison uniforms, political prisoners frequently were denied certain privileges such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum security to a medium security prison, or to a work camp). Political prisoners also reported being threatened or harassed by fellow inmates whom they thought were acting on orders of prison authorities.

Prisoners reported that solitary confinement was a common punishment for misconduct and that some had been held in isolation for months or even years at a time. In general prisoners in isolation had restrictions on family visits. The Government sometimes placed healthy prisoners in cells with mentally disturbed inmates.

Prisoners and pretrial detainees had access to visitors, although some political prisoners' relatives reported that prison officials arbitrarily canceled scheduled visits. Prisoners were permitted limited religious observance. Both the Catholic Church and the Cuban Council of Churches (CCC) reported improved access to prisoners during the reporting period. In 2009 member churches of the CCC began holding regular services in selected prisons, mostly in the province of Havana. The CCC reported that the Government allowed continued expansion of this program during the year, with services offered in most if not all provinces. As in 2009, there were isolated reports that prison authorities did not inform inmates of their right to religious assistance, delayed months before responding to such requests, and limited visits to a maximum of two or three times a year.

By law, prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after their prison sentence

has expired. Prisoners reported that in practice government officials often refused to allow or accept complaints, or failed to respond to the complaints once submitted. However, the family of a political prisoner reported that central authorities resolved their complaints regarding prison living conditions after local authorities failed to do so. In another case, central government authorities instructed the local prison to stop denying privileges to a political prisoner who refused to wear the prison uniform. It is not clear whether the Government investigated or monitored allegations of inhumane conditions. If investigations did occur, the results were not publicly accessible.

Although the Government had invited the UN special rapporteur for torture and other cruel, inhuman, or degrading treatment or punishment, to conduct a fact-finding mission to the country, no such visit occurred during the year. In June Special Rapporteur Manfred Nowak announced that the Government had failed to provide him with a date for the visit, despite several attempts on his part to come to an agreement. Nowak was not able to conduct the mission before his mandate expired on October 31.

d. Arbitrary Arrest or Detention.—The code of criminal procedure broadly governs arrests, pretrial, and trial procedures. Police have wide discretion to stop citizens and request their identification and to carry out arrests and searches.

The law provides that police officials provide suspects with a signed “act of detention,” noting the basis, date, and location of any detention in a police facility, and a registry of any personal items seized during a police search. In practice police officials routinely failed to comply with these requirements during detentions or searches. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints located at the entrances to provinces and municipalities. There were reports that police disproportionately stopped and questioned Afro-Cubans, particularly within Havana and in tourist areas.

Police and security officials frequently utilized short-term detentions to prevent those it perceived as government opponents from assembling freely. Detentions generally lasted from several hours to several days. For example, on December 10 police detained dozens of political activists who attempted to participate in demonstrations marking International Human Rights Day. Most of the detainees were released within a few hours, after the demonstrations had been prevented.

The CCDHRN reported that the Government increasingly relied on short-term preventive detentions to harass opponents rather than prosecution and incarceration, citing at least 2074 such detentions during the year, compared with fewer than 900 in 2009. Long-term incarcerations to punish opponents decreased, according to the CCDHRN. However, sources reported several cases late in the year in which the Government detained human rights activists who remained in detention at year’s end.

On December 25, brothers Marcos Maikel Lima Cruz and Antonio Michel Lima Cruz were detained for accusations of desecrating the Cuban flag and public disorder. The detentions followed a celebration the night before in which they reportedly danced on the street with the Cuban flag to the music of a well-known rap group that is sometimes critical of the Government. On December 9, Guantanamo-based activist Nestor Rodriguez Lobaina was detained as he was preparing to participate in events marking International Human Rights Day on December 10. On December 13, Rodriguez was moved to a maximum security prison. In November independent journalist Jose Agramonte Leyva was detained in Camaguey. At the end of the reporting period, all four continued to be held without charges.

House detention without due process was another method commonly employed by the Government to prevent free assembly. Throughout April supporters of the Damas de Blanco reported being told that they would be arrested if they attempted to join public demonstrations. In Holguin Province the mother and supporters of deceased hunger striker and prisoner of conscience Orlando Zapata Tamayo reported throughout the summer and fall that state security agents, uniformed police, and government-organized mobs prevented them from visiting the nearby Catholic Church or Zapata’s grave by blockading their neighborhood. The mobs often directed insults and ethnic slurs against Zapata’s family, and there were reports that some of their supporters were roughed up. During house detentions, plainclothes state security officers or uniformed police officers stood directly in front of their homes or at the corner of their block.

Role of the Police and Security Apparatus.—The Ministry of the Interior (MOI) exercises control over police, the internal security forces, and the prison system. The National Revolutionary Police (PNR) is the primary law enforcement organization and was moderately effective in investigating common crimes. Specialized units of the MOI’s state security service are responsible for monitoring, infiltrating, and sup-

pressing opposition political groups. The PNR supports the MOI by carrying out house searches, arresting persons of interest to the MOI, and providing interrogation facilities for state security agents.

Police routinely violated procedural laws with impunity and often failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Members of the security forces acted with impunity in committing numerous, serious civil rights and human rights abuses. While the PNR ethics code and MOI regulations forbid brutality, security forces continued to employ aggressive and physically abusive tactics. The Government did not announce any investigations into police misconduct during the year.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces routinely relied on threats and harassment during questioning. Detainees reported that officers threatened them with long-term detention, loss of child custody rights, denial of permission to depart the country, and suggestions designed to intimidate, such as that an elderly relative might suffer an accident or that a child might not pass the end-of-year exams.

For example, during a December 1 detention, state security officers told former political prisoner Darsi Ferrer and his wife that if they continued to engage in dissident activity, the Government might take custody of their nine-year-old son.

There were no mechanisms available to investigate government abuses.

Arrest Procedures and Treatment While in Detention.—The code of criminal procedure broadly governs arrests, pretrial, and trial procedures, including investigative and pretrial detention. After an arrest, police have 24 hours to present a criminal 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 recommend to the appropriate court whether to open a criminal investigation.

Detainees have no right to counsel during this period. By law, after the 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation, and have access to legal representation. Detainees facing formal charges must retain counsel within five days of being charged or the state can appoint an attorney on their behalf. Those charged can be released on bail, placed in home detention, or held in continued investigative detention.

In practice, however, officials often disregard many of these procedures. Suspects often are detained longer than 168 hours without being informed of the nature of the arrest or being afforded legal counsel. In a survey of fellow prisoners conducted in 2009 and 2010, a noted dissident reported that 64 percent of pretrial detainees where he was being held had spent weeks and sometimes months without having ever seen an attorney or being informed of the charges against them.

Once the accused has an attorney, the defense has five days to respond to the prosecution's charges, after which a court date usually is set. There were many reports that defendants with public defenders met their attorneys for the first time only minutes before their trials. Prosecutors can demand summary trials "in extraordinary circumstances" and in cases involving crimes against state security.

Bail was available, although typically not granted in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted.

Detainees can be interrogated at any time during detention and have no right to request the presence of counsel. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them specifically of that right.

By law, investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. This deadline, however, can be waived by the supervising court in "extraordinary circumstances" and upon special request by the prosecutor. In that instance, no additional legal requirement exists to complete an investigation and file criminal charges. Detainees have been held for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases delays were often due to bureaucratic inefficiencies, a lack of checks on police, and prosecutorial or judicial excesses.

Foreign development worker Alan Gross was arrested in December 2009 and at year's end had been held for over a year without having been informed of the charges against him or ever having been brought before the courts. Darsi Ferrer was held for 11 months before being formally charged, tried, convicted, sentenced, and released for time served, all on June 21. In August prosecutors charged political dissidents Ithosvani Suris de la Torre, Santiago Padron Quintero, and Maximo Pradera Valdez, who had been detained without charges since 2001.

e. Denial of Fair Public Trial.—While the constitution recognizes the independence of the judiciary, the judiciary is subordinate to the imperatives of the socialist state. The National Assembly appoints all judges and can remove them at any time. Through the National Assembly, the state exerted near-total influence over the courts and their rulings.

Civilian courts existed at the municipal, provincial, and Supreme Court levels. Military tribunals, which are governed by a special law, assumed jurisdiction for certain “counterrevolutionary” civilian cases (almost always political in nature). Military tribunals may also have jurisdiction over civilians in cases where any of the defendants were members of the military, police force, or other law enforcement agency. In these tribunals defendants have the right to know the charges, the right to an attorney, and the right to appeal.

Trial Procedures.—Due process rights applied equally to all citizens as well as foreigners, but courts often failed to protect or observe these rights. The law presumes defendants are innocent until proven guilty, but authorities often ignored this in practice, placing the burden on the defendant to prove innocence rather than on the prosecution to prove guilt.

Defendants generally have the right to a public trial, but politically motivated trials are often held in secret, citing exceptions for crimes involving “state security” or “extraordinary circumstances.” The law does not provide for jury trials. Almost all cases concluded in less than one day.

The law provides the accused with the right to be present during trial and requires that defendants be represented by an attorney at trial, if necessary at public expense. Defendants’ attorneys can cross-examine state witnesses and/or present witnesses and evidence on the defendants’ behalf.

Criteria for presenting evidence were often arbitrary and discriminatory. According to numerous reports, prosecutors routinely introduced irrelevant or unreliable evidence, such as character witnesses who testified about the revolutionary background of a defendant.

Defense attorneys have the right to review the police investigation file at any time, unless the investigation involves “crimes against the security of the state.” In these cases defense attorneys are not allowed access to the file until charges have been filed. In practice many detainees reported that their attorneys had difficulties accessing their files due to bureaucratic and administrative obstacles. Attorneys of political detainees reported that they often had greater difficulty gaining access to their clients’ files.

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.” The authorities mostly applied this law to target prostitutes, alcoholics, young persons who refused to report to work centers, and repeat offenders of laws restricting change of domicile. The CCDHRN estimated 200-300 people were convicted on charges of potential dangerousness during the reporting period.

On September 15, twenty-five-year-old Yanisleidys Ramirez Teruel of Ciego de Avila was sentenced to four years in prison on dangerousness charges. According to trial documents, the prosecutor alleged that since July 23, Ramirez had engaged in sexual relationships with foreigners in Havana “with the goal of obtaining economic benefits.” Family members reported that Ramirez had been living in Havana with her aunt, and that both she and her family were longstanding opponents of the Government. They also noted that Ramirez’s pre-trial interrogations focused on her connections to various political opposition groups.

Ramirez’s defense attorney was allowed 13 minutes before the trial to review the prosecution’s evidence and speak with Ramirez. Because dangerousness is a “precriminal” sanction, the law does not require evidence of the commission of a crime in order to convict. The court recounted the prosecution’s allegations in its sentence and stated that, because Ramirez had failed to show a “positive change” in her behavior despite two meetings with local authorities, “it was necessary to remove her from her current environment in order to reeducate and, afterward, reincorporate [her] into society.” The court then sentenced Ramirez to four years in a “Specialized Center for Work or Study” (known locally as a “reeducation camp”). Ramirez was given three days to appeal her sentence; her appeal was denied on September 24 in a thirty minute trial.

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. In December, for instance, the Supreme Court reduced the death sentences of two Salvadoran nationals to life imprisonment, following an appeal.

Political Prisoners and Detainees.—During the year the Catholic Church mediated the release of dozens of political prisoners and prisoners of conscience. The Government indicated that it not only would release the remaining 52 political prisoners arrested in March 2003, but that it would release all political prisoners, including dozens of civil society activists like independent journalist Santiago Du Bouchet Hernandez, who was arrested in April 2009 and Agustin Cervantes, a leader in the Christian Liberation Movement's Varela Project, who was arrested in September 2009.

At year's end the CCDHRN reported that at least 105 political prisoners remained in jail, compared to 194 at the end of 2009. The Government continued to deny the existence of political prisoners, claiming that all of the country's prisoners had been justly convicted. International and domestic NGOs and opposition figures note that the law criminalizes even peaceful anti-government activity or expression.

Political prisoners were charged with crimes such as: "aiding a foreign power," distributing "enemy propaganda," "contempt" of authorities, "sabotage," and violating national security. Others were convicted of attempting to leave the country illegally, assault, or social dangerousness.

Lack of governmental transparency and systemic violations of due process rights obfuscated the true nature of criminal prosecutions and investigations, allowing government authorities to prosecute and sentence human rights activists for common crimes. This issue continued to complicate attempts by observers to calculate the number of political prisoners.

Political prisoners were not given the same protections as other prisoners or detainees. In particular they were frequently denied early parole or transfers to lower-security facilities that were commonly granted to other prisoners. Political prisoners also generally were denied access to home visits, prison classes, phone calls, and on occasion, family visits. Some political prisoners refused to wear a prison uniform. Although prison authorities generally punished such refusals, many prisoners reported that they were eventually given permission to wear clothing of their own choosing.

The Government continued to refuse international humanitarian organizations access to political prisoners, although many political prisoners were able to communicate information about their living conditions through phone calls to human rights observers and reports to family members.

Civil Judicial Procedures and Remedies.—Civil courts exist at the municipal, provincial, and Supreme Court levels, and oversee civil, administrative, labor, and economic matters. These can include child custody determinations, marriage annulments, contractual disputes, claims for economic damages, forced expropriations, and other matters existing between either natural or legal persons, so long as one party to the dispute is Cuban. Civil courts, like all courts in the country, lack an independent or impartial judiciary as well as effective procedural guarantees. Although it is legally possible to seek judicial remedies through civil courts for violations of administrative determinations, contacts noted that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of both administrative determinations and civil court orders. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution protects citizens' privacy rights in their homes and correspondence, and police must have a warrant signed by the prosecutor or magistrate before entering or conducting a search. In practice, however, police searched homes and seized personal goods without the legally required documentation. The Government also physically and electronically monitored civil society activists. The MOI employed a system of informants and block committees (known as "Committees for the Defense of the Revolution" or CDRs) to monitor government opponents and report on their activities. DGSE agents subjected foreign journalists and diplomats to occasional harassment and surveillance, including electronic surveillance and surreptitious entry into their homes.

To fend off criticism after the death of political prisoner Orlando Zapata Tamayo, the Government aired on state television footage of meetings between Zapata Tamayo's physicians and family, taken without their knowledge and used without their consent.

The CP is the only legally recognized political party, and the Government actively suppressed attempts to form other parties. Party membership is not required to obtain common government services, like rations, housing, or medical care. However, the Government encouraged mass political mobilization and favored citizens who actively participated, especially when awarding valued public benefits like admissions to higher education, fellowships, jobs and other benefits.

Relatives of political dissidents sometimes suffered reprisals. Some wives and children of opposition figures were denied employment for being "untrustworthy," prevented from enrolling at universities, or denied academic distinctions or exit permits to leave the country and return.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press only insofar as they "conform to the aims of socialist society." In practice the Government had little tolerance for public criticism of government officials or programs. Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months' to 15 years' imprisonment.

The Government directly owned and the CP controlled all print and broadcast media outlets and did not allow editorial independence. News and information programming was nearly uniform across all outlets. Controls on information were so tight that even the state-run media complained at times, as evidenced by an op-ed that appeared briefly on the CP Youth newspaper's website before being pulled down. The Government also controlled nearly all book publications, requiring CP approval before materials could go to press.

The Government does not recognize independent journalism, and subjected some independent journalists to travel bans, detentions, harassment, equipment seizures, and threats of imprisonment. DGSE agents have been known to pose as independent journalists in order to gather information. Twenty of the political prisoners that the Government released into exile this year had worked as independent journalists prior to their imprisonment in 2003; at least five others remained in prison.

Catholic priests and other clergy were able to deliver sermons without prior government approval and in some cases criticized the Government without reprisals. Priests and senior clergy openly and publicly criticized President Castro and the country's leadership in church publications and media interviews without reprisals, openly questioning how the country's leadership dealt with criticism and managed the economy. Catholic publications in Havana and Pinar del Rio often challenged government policies and assumptions. In February the Cuban Council of Churches issued a statement lamenting the death of hunger striker Zapata.

The Catholic Church received permission to broadcast Easter Mass on state-run stations, in addition to the broadcast of Christmas Mass that has been permitted since the 1990s. On August 8, the Government also allowed the broadcast of a special Mass marking the beginning of a year-long celebration for the 400th anniversary of the Virgin of Charity, named by the Catholic Church as the patron saint of the country. In addition, the Government authorized the CCC, the Government-recognized Protestant umbrella organization, to host a series of hour-long radio broadcasts throughout the country.

The law prohibits distribution of printed material from foreign sources that are considered "counterrevolutionary" or critical of the Government. Foreign newspapers or magazines were generally unavailable. Distribution of material with political content, interpreted broadly to include the Universal Declaration of Human Rights, was not allowed and resulted in harassment and even detention. The Government continued to jam the transmissions of Radio Marti and Television Marti.

The Government sometimes barred independent libraries from receiving materials from abroad and sometimes seized materials donated by foreign governments.

Internet Freedom.—There were significant government restrictions on access to the Internet and widespread reports that the Government monitored e-mail and Internet chat rooms and browsing. The Government controlled all Internet access, with the exception of extremely limited facilities provided by a few diplomatic missions and some black market facilities. While the Government claimed 14 percent of the population had access to the Internet, in many cases this access was limited to a domestic "intranet" which offered only e-mail or highly restricted access to the World Wide Web.

Since there is no fiber optic cable connection to the country, all Internet traffic passes through dial-up or limited satellite connections. Citing these limitations, the Government granted Internet access only to a chosen few, consisting mostly of government officials, established professionals, professors, students, journalists, and artists. Others could access limited e-mail and Internet services through government-sponsored "youth clubs" or Internet centers approved and regulated by the Ministry for Information Technology and Communications.

Authorities reviewed the browsing history of authorized users, reviewed and censored e-mail, employed Internet search filters, and blocked access to Web sites considered objectionable. Numerous human rights groups reported that authorities used mobile patrols to search for unauthorized Internet and satellite television

equipment. When police discovered violators, they confiscated the equipment and fined the owners.

While the law does not set specific penalties for unauthorized Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access. In 2008 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 applications that “affect the integrity or the security of the state.” The same resolution ordered Internet providers to prevent the use of encryption software and the transfer of encrypted files. Despite the limited access, the harassment, and the infrastructure challenges, a growing number of citizens maintained blogs where they often posted opinions critical of the Government, with help from foreign supporters who often built and kept the blog sites. Local access to the majority of these blogs was blocked.

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 could be purchased only in hard currency. Access usually cost between five and 10 convertible pesos (\$5.40 to \$10.80) an hour, a rate beyond the means of most citizens.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and controlled the curriculum at all schools and universities, emphasizing the importance of reinforcing “revolutionary ideology” and “discipline.” Most academics refrained from meeting with foreigners, including diplomats, journalists, and academics, without prior government approval, and those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home.

In a well-publicized case in June, the CP expelled Professor Esteban Morales from the party after he published an article addressing the challenges posed by government corruption. Morales, a senior University of Havana professor, had been a frequent guest on the state-run television nightly news program *Mesa Redonda* (“Roundtable”) prior to the publication of the article but has not appeared on the show since.

Public libraries required a letter of permission from an employer or academic institution for access to books or information.

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.—Unauthorized assemblies of more than three persons, including those for private religious services in private homes, can be punished by up to three months in prison and a fine, although these meetings were more likely to be broken up than prosecuted. The Government did not grant permission to antigovernment demonstrators or approve public meetings by human rights groups. Early in the year, the Government tried to prevent the *Damas de Blanco* from marching without permits, but their defiance in the face of state-organized mobs eventually led the Government to relent (see section 1. c).

Civil society organizations reported continued suppression of the right to assemble. On October 29, more than three dozen independent lawyers, journalists, and human rights activists attempted to gather in a private home to discuss UN treaties and domestic laws that affect civil society organizations. In the hours before the scheduled meeting, plainclothes security forces surrounded the building and demanded identification from the people who attempted to enter. With assistance from uniformed police, several prominent attendees were detained and driven to police stations where they were held for several hours, then released without charges.

The Government continued to allow religious processions in celebration of important religious holidays, and at least two religious groups held public processions without obtaining a permit without repercussions.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights.

Freedom of Association.—The Government routinely denied its citizens freedom of association, and did not recognize independent associations. The constitution proscribes any political organization that is not officially recognized. Authorities have never recognized an independent human rights organization; however, a number of independent organizations and professional associations operated as NGOs without legal recognition.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal and professional organizations

were the only associations legally permitted to function outside the formal structure of the state, the CP, and the Government-organized organizations. All religious groups are accountable to the Government's Office of Religious Affairs, which has the authority to deny permits for religious activities and exerts pressure on church leaders. The authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women's rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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.—There are severe restrictions on freedom of movement within the country, on foreign travel, and on migration with the right of return.

The Government tightly restricted foreign and domestic travel and limited internal migration from rural areas to Havana. Some dissidents reported that they were prevented from leaving their home provinces or detained by authorities and returned.

Although the constitution allows all citizens to travel anywhere within the country, changes of residence were heavily restricted. The local housing commission and provincial government authorities must authorize any change of residence. Anyone living in a location illegally may be fined and sent back to their place of residence. While the regulation was in effect nationwide, it was applied most frequently in Havana. Thousands of people lived in Havana illegally and without access to food rations or local identification cards. There were cases where police had threatened to prosecute for "dangerousness" anyone who returned to Havana after having been expelled.

The Government restricted both migration and temporary foreign travel, by requiring exit permits and forcing would-be migrants to forfeit most of their belongings, including houses. The Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart. However, at least 300 citizens who had received foreign travel documents were denied exit permits during the year. Persons routinely denied exit permits included medical personnel, men of military age, former military or security personnel, and members of the opposition. The Government requires university graduates to perform social service work for periods that run for up to five years, during which they are not allowed to leave the country.

The Government denied exit permits for several years to relatives of individuals who migrated illegally (for example, merchant seamen and sports figures who defected while out of the country). The Government frequently withheld exit visas from dissidents.

Juan Juan Almeida, son of deceased leader of the Cuban Revolution Juan Almeida Bosque, was repeatedly denied an exit permit to seek medical treatment. Early in the year, he launched a blog featuring the stories of others who had been denied exit permits, and in June he began a hunger strike to demand the right to leave. In August Cardinal Ortega intervened, and the Government let Almeida depart.

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 internally exile any person whose presence in a given location is considered "socially dangerous."

Those seeking to migrate legally alleged they also faced police interrogation, fines, house searches, harassment, and intimidation by the Government, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States sometimes were fired from their jobs when their plans became known.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in hard currency and amounted to approximately 630 convertible pesos (approximately \$680) for an adult, or nearly three years' salary. These fees represented a significant hardship, particularly for migrants who had been forced from their jobs and had no income. At year's end some would-be migrants were unable to leave the country because of their inability to pay exit fees. Authorities dispossessed migrants and their families of their homes and most of their belongings before permitting them to leave the country.

The law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (approximately \$11 to \$38) for unauthorized departures by boat or raft. In practice, however, most were detained for no more than two to three weeks and given a fine. The Government sometimes applied a law on human smuggling to

would-be migrants charged with organizing or promoting illegal exits. 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 had been fined, were awaiting charges, or were serving sentences on smuggling charges. Jail terms were more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Base. Under the terms of the 1994 U.S. Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some would-be migrants experienced harassment and discrimination such as fines, expulsion from school, and job loss.

The Government generally refused to accept nationals returned from U.S. territory beyond the limits of the Migration Accord.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. These protections were also provided to some fugitives from justice, whom the Government defined as refugees for political reasons.

The Government worked with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to the small number of refugees and asylum seekers 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 National Assembly members, citizens do not have the right to change their government, and the Government retaliated against those who sought peaceful political change.

In 2008 the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state and president.

In the 2008 National Assembly elections, the Government promoted a unified CP-approved slate of candidates. The CP candidates and their allies won 98.7 percent of the vote and 607 of 614 seats in the National Assembly.

Elections and Political Participation.—Candidates for provincial and national office must be approved in advance by state-run mass organizations, such as the women's and CP youth organizations. A small group of leaders selected all senior positions, including the presidency and vice presidencies, the Council of State, and the members of the CP Politburo and the Central Committee, to be rubber stamped by the larger bodies of the National Assembly or the CP. In theory, non CP members could contest elections, but in practice CP membership was a prerequisite for high-level official positions except for municipal assemblies, the lowest elected bodies which are largely symbolic. All candidates must be approved by CP dominated candidacy commissions that approve only one candidate per office.

There was one woman in the 24 member Politburo and 15 in the 107 member Central Committee. Women held eight seats in the 27 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 National Assembly in 2008, the Government reported the Assembly's composition as 64 percent white, 19 percent black, and 16 percent mixed race.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government is highly sensitive to corruption allegations and often conducts anticorruption crack-downs. In 2009 it created the post of comptroller to handle better the growing problem of corruption, while during the year, over a dozen high-level officials and prominent business people were detained under suspicion of corruption. The World Bank's worldwide governance indicators reflected that government corruption was a growing problem.

There were widespread reports of corruption in the police and courts. Multiple sources reported that police sometimes conducted searches of homes and vehicles, then sought bribes in place of fines or arrests. A prominent independent lawyer reported that prosecutors and judges accepted money in exchange for reduced charges or shorter sentences.

Government officials were not subject to 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, were tasked with combating corruption, including through prosecution of government officials.

The law provides for public access to government information, but in practice requests for information were routinely rejected.

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

The Government did not recognize 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 (MCL), the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The Government subjected domestic human rights advocates to intimidation and harassment.

There are no officially recognized, independent NGOs that monitor human rights. The Government refused to recognize or meet with any unauthorized NGOs who monitor human rights.

The Government continued to deny human rights organizations, the UN, and the International Committee of the Red Cross access to all prisoners and detainees.

Section 6. 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, and no reliable information regarding the incidence of rape was available.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, 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.

To raise awareness about domestic violence, the Government continued to carry out media campaigns during the year. In addition a few government-organized organizations held conferences and worked with local communities to improve services. UNICEF reported that the Government ran shelters for women and children in most communities, with staff trained in assisting victims of abuse. The director of the Center for Women's Studies (part of the state-run Federation of Cuban Women) acknowledged the problem during a conference held in November and expressed the organization's commitment to improving services, especially in rural areas. Other conference participants discussed reasons many women did not report domestic violence and ways to encourage more women to come forward.

The law provides penalties for sexual harassment, with potential sentences of three months to five years' imprisonment. The Government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. The UN Population Fund reported in 2008 that 77 percent of women ages 15 to 49 used some form of birth control and UNICEF reported that the maternal mortality ratio in 2008 was 53 maternal deaths per 100,000 live births.

The law accords women and men 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.—Citizenship is derived by birth within the country's territory.

There was no societal pattern of child abuse.

While there were reports of underage prostitution, there were no reliable statistics available regarding its extent. The minimum age of consent for consensual sex is 16. There is no statutory rape law; however, penalties for rape increase as the age of the victim decreases. While the law does not specifically prohibit child pornography, it prohibits the production or distribution of any kind of obscene graphic material, with possible sanctions ranging from three months to one year in prison and a fine.

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 modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts or other societal abuses or discrimination based on religious affiliation, belief, or practice.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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, communications facilities or information for persons with disabilities, and in practice facilities and services were rarely accessible to persons with disabilities.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security is in charge of the Job Program for the Handicapped.

In January at least 26 patients died at the Government-run "Mazorra" Psychiatric Hospital in Havana when temperatures dropped to near freezing. Havana residents familiar with the hospital alleged that the deaths were due to negligence, and reported that the patients, many of them elderly, suffered from severe malnutrition, lived in unheated rooms with broken windows, and lacked jackets or blankets. On January 16, the Ministry of Public Health acknowledged the deaths, cited "deficiencies" in the hospital's administration, and stated that responsible officials would face criminal charges. On July 22, President Castro replaced the minister of public health. Unofficial reports at the end of the year indicated that the Government was preparing charges against several people involved in the case.

National/Racial/Ethnic Minorities.—Afro Cubans often suffered racial discrimination, including disproportionate stops for identity checks and searches, and could be subject to racial epithets. Afro Cubans were represented disproportionately in neighborhoods with the worst housing conditions and were economically disadvantaged.

At a conference in July, a prominent University of Havana professor led an open discussion on racism and discrimination against Afro-Cubans. Students, community leaders, and local residents participated in the discussion, shared personal stories of discrimination, and discussed policy and educational approaches to improving the situation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Officially, there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation or gender identity persisted, and police occasionally conducted sweeps in areas where gay men congregated. In November gay rights activists reported that police conducted raids on several areas frequented by gay men in Santa Clara and detained a number of gay men. The men were taken to local police stations where they were fined and threatened with prosecution for social dangerousness.

In September during an interview with the foreign press, former president Fidel Castro acknowledged and accepted responsibility for the mistreatment of gays and lesbians during the 1960s and 70s, when they were considered "counter-revolutionaries" and many were sent to re-education camps. Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting gay rights. In January she acknowledged publicly that

some discrimination continued to exist against lesbian, gay, bisexual, and transgender (LGBT) persons and called on the CP to take steps to eliminate it. Despite these efforts, several nongovernment gay rights activists asserted that the Government had not done enough to stop harassment of LGBT persons.

Other Societal Violence or Discrimination.—Some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The Government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for “propagating an epidemic.”

Section 7. Worker Rights

a. The Right of Association.—The law does not allow workers to form and join independent unions of their choice. The only legal labor union in the country was the Central de Trabajadores de Cuba (CTC), or the Workers’ Central Union of Cuba, whose leaders were chosen by the CP. The CTC’s principal responsibility was to ensure that government production goals were met. It did not bargain collectively, promote worker rights, or protect the right to strike. Most 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.

The CTC took a lead role in disseminating information regarding the Government’s planned layoffs of one million government workers, which began in October. This will affect approximately one-fifth of the active workforce of approximately five million. Although the CTC stated its role included defending workers by ensuring that the layoff process was fair, it was not clear what, if any, action the CTC took in this regard. It further stated that “our state cannot and should not continue supporting businesses, production entities, and services with inflated payrolls; it will no longer be possible to apply a formula of protecting and subsidizing salaries on an unlimited basis to workers.”

The Government can determine that a worker is “unfit” to work, resulting in job loss and the denial of job opportunities. Persons were deemed unfit for their political beliefs, including their refusal to join the official union, or for trying to depart the country illegally. Several small independent labor organizations operated without legal recognition, including the Union of Bicycle Taxi Drivers, the Christian Labor Organization, and the National Independent Workers’ Confederation of Cuba. These organizations were subject to police harassment and infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The law does not provide for the right to strike, and no strikes were known to have occurred during the year.

Of the 75 dissidents jailed in 2003, seven were independent labor leaders. All but one (Ivun Hernández Carillo) were released during the year.

b. The Right to Organize and Bargain Collectively.—The law does not provide for collective bargaining, though it does provide a complicated process for collective agreements. The International Labor Organization’s Committee (ILO) of Experts on the Application of Conventions and Recommendations continued to raise concerns with restrictions on collective bargaining and agreements, in particular that government authorities and CTC officials had the final say on all such agreements. The CTC was the only legally recognized trade union, and the Government continued to take active steps to prevent the formation of independent trade unions in all sectors.

Foreign embassies and multinational corporations generally did not directly hire Cuban citizens, but were required to contract them through a government agency. Multinationals set wages for their employees, and wages and benefits are generally reported to be in line with national averages. No minimum wage applies to the private sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the law does not specifically prohibit forced or compulsory labor by adults, statutes forbidding slavery, bondage, and kidnapping would apply to situations of compulsory or forced labor. Convicts were often forced to work on farms or in construction, agricultural, or metal work.

The law prohibits forced or compulsory labor by children; in contrast to previous years, there were no reports that such practices occurred. Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—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 15 and 16 year olds 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 monthly minimum wage, which is established and enforced by the Ministry of Labor and Social Security, was fixed at 225 pesos (approximately \$10). There is no fixed period for review or revision of the minimum wage, which was last revised in 2005. The ministry enforced the minimum wage requirement through offices at the national, provincial, and municipal level and did so effectively. The minimum wage requirement does not apply to the small non-state sector. 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 food. Even with subsidies, the Government acknowledged that the average wage of 415 pesos per month (approximately \$18) did not provide a reasonable standard of living.

Multinational companies continued to operate in a limited number of sectors, such as hotels, tourism, and mining. Such companies operate on the basis of a joint venture policy, in which the employers are prohibited from paying the workers directly, though many reportedly made supplemental payments under the table. The Government is the exclusive labor contractor and received the foreign exchange from such multinational companies. The Government subsequently paid the workers in pesos, an amount which was a small fraction of what the company paid the state for labor costs. Multinational companies set wages for their employees.

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 applied to state workers as well as to the small non-state sector (but not to the self-employed) and were effectively enforced. The law does not provide for premium pay for overtime or prohibit obligatory overtime but generally caps the number of overtime hours at twelve per week or 160 per year. The Ministry of Labor has the authority to establish different caps as needed. 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.

The independent and illegal Confederation of Independent Workers of Cuba reported numerous violations of health and safety laws at worksites throughout the country, including inadequate and poorly maintained equipment and protective gear. The CTC seldom informed workers of their rights and did not respond to or assist workers who complained about hazardous workplace conditions.

DOMINICA

Dominica is a multiparty, parliamentary democracy with a population of approximately 72,800. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) by a margin of 18 seats to three seats in elections in December 2009. Although outside observers found the elections generally free and fair, the opposition boycotted Parliament over alleged electoral abuses. Security forces reported to civilian authorities.

There were human rights problems in a few areas, primarily an overcrowded prison, domestic 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 criminal prosecution of two police officers for the 2007 murder of Stan Bruney remained pending before the chief magistrate. Some witnesses had already testified, and the prosecution was proceeding in this case.

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.

A civil case filed in 2006 accusing police officers of beating a man was settled for monetary damages in the amount of EC \$8,000 (\$2,963).

Prison and Detention Center Conditions.—Although overcrowded, prison and detention conditions generally met international standards and the Government permitted visits by independent human rights observers, although no such visits were known to have occurred during the year.

The prison has an authorized capacity of 200 inmates but held 289 inmates, including 62 detainees on remand from the court, as of December 29. The inmates included six women and 15 juveniles, who were separated from the adult population.

There was one suicide by hanging, which occurred in a detention center at a police station.

Prisoners and detainees have reasonable access to visitors and are permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints, and the Government investigated complaints and monitored prison and detention center conditions.

The Government used prison labor to improve the facilities, and a new mess hall and ancillary buildings were still under construction at year's end.

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

Role of the Police and Security Apparatus.—The Ministry of National Security, Labor, and Immigration oversees the Dominica Police, the country's only security force. The force of approximately 450 officers 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.

The police Internal Affairs Department investigates public complaints against the police and provides officers with counseling. There were no cases of misconduct filed during the year, nor were there any reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in 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 staff shortages. On average prisoners remained in remand status for more than three months.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Inadequate prosecutorial and police staffing and resources 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 public trials by jury, and defendants have the right to be present, to consult with an attorney in a timely manner, and to 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. Defendants and their attorneys have access to government-held evidence relevant to their cases.

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

Civil Judicial Procedures and Remedies.—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 the December 2009 election campaign, the opposition claimed that the Government blocked its access to the main government-owned radio station and purchased all the advertising time on the largest private station, restricting the opposition to a smaller private station that only reached about one quarter of the country. In January individual members of the opposition filed an election challenge in court raising these claims and other election-related complaints. In August the Eastern Caribbean Supreme Court struck out the access to media claims, finding no supporting material facts for the assertion of denial or refusal of access. The opposition subsequently filed an appeal of the court ruling.

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 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. According to the International Telecommunication Union, there were 42 Internet users per 100 inhabitants in 2009.

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 freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 only internal restriction on movement applies to the Carib Reserve area. Since all the land is collectively owned by the community and managed by the Carib Council, for a newcomer to live in the territory, the council would have to grant permission to use the land.

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 providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees.—The Government has not established a procedural system for providing protection to refugees. While the law provides for asylum or refugee status, the Government did not grant refugee status or asylum during the year.

The Government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In parliamentary elections held in December 2009, the ruling DLP won 18 seats in the House of Assembly, defeating the WWP, which won three seats. Two of the three opposition members boycotted Parliament to pressure the Government to call new elections with increased protections in place. As a result of the boycott, after six months the Government declared the two seats vacant and called by-elections in those two constituencies, both won again by the opposition.

The Caribbean Community and the Organization of American States sent teams of election observers. Both organizations declared the election to be fair and transparent, but the OAS report recommended that the Government implement a voter identification system, provide for equal access to purchase advertising from media, and implement campaign finance laws to govern and define the appropriate use of funds to bring voters to the polls without impeding the diaspora members' franchise. The law does not require a voter identification card, does not contain any campaign finance provisions, and only requires a voter outside the country to be present in the country one time during a five-year period and be on the electors list in order to vote. After the 2009 election, the opposition filed court complaints of election irregularities regarding these issues, and in August the court rejected all the claims with the exception of ineligibility to hold office claims against two ministers over dual-nationality issues. At year's end these dual-nationality claims were in pretrial proceedings, with an expected trial date in early 2011.

Political parties could operate without restriction or outside interference.

For most of the year, women held three cabinet positions: the minister for social services, community development, and gender affairs; the minister for culture, youth, and sports; and the attorney general. Voters elected two women to the House of Assembly. The appointed Speaker of the House of Assembly was a woman.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. However, there were isolated allegations publicly reported by members of the political opposition and related groups of corruption in the Government, including accusations that some government officials engaged in property speculation. The same opposition groups accused government ministers of receiving unreported money from foreign sources. However, no charges were filed and none of these allegations were proven in the courts.

In November 2008 a government commission to implement the 2004 Integrity in Public Service Act began operating to minimize government corruption. The act requires government officials to account annually for their income and assets and those of their immediate family, as well as any gifts they have received. The commission is required to examine each declaration and determine its validity. This declaration is private, and the only disclosure is whether the commission has received it and if it has been deemed valid. If misrepresentation is found, the official can be liable for a fine of EC\$20,000 (\$7,500) or two years' imprisonment, with additional penalties for bribery, possession of unaccounted property, and other provisions. The commission referred 44 public officials for prosecution for failure to comply with the Integrity in Public Service Act by failing to declare their assets. After a review of the evidence, the director of public prosecution (DPP) filed criminal charges against 25 of these public officials; trial dates were set for early 2011. The commission receives complaints from the public as well and was involved in investigating complaints filed against public officials.

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 independent DPP is responsible for prosecuting major crimes, including corruption offenses, and routinely files charges of theft, false accounting, fraud, theft by deception, and related offenses. The DPP worked closely with the Financial Intelligence Unit. However, the DPP lacked adequate manpower and resources for concentration on complicated money laundering and public corruption cases.

The law did not provide for public access to government information, and the Government did not provide routine access in practice. The Government maintained a Web page and a government information service, where it posted information such as directories of officials and a summary of laws and press releases. The Government budget and an audit of that budget were both publicly available on the Web site.

Section 5. 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. A parliamentary commissioner has responsibility to investigate complaints against the Government.

Section 6. 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 but not spousal rape. Police were not reluctant to arrest or prosecute offenders; 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 Bureau of Gender Affairs of the Ministry of Social Services, Community Development, and Gender Affairs assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action.

Sexual violence and domestic violence cases were common, and the problem became more apparent as government officials participated in public awareness and outreach programs. Although no specific laws criminalize spousal abuse, spouses could bring charges against their partners for battery. However, victims were often reluctant to press charges due to their reliance on financial assistance of the abuser. Shelters were operated in private homes to preserve the privacy of the victims, but the location of a shelter was hard to keep secret. During the year the Government opened a new shelter. 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 to allow the victims, usually women and children, to remain in the home while the matter is investigated. However, inadequate police resources made enforcement of these restraining orders difficult. Police officers continued to receive training in dealing with domestic abuse cases.

The Bureau of Gender Affairs reported that both men and women sought assistance in dealing with domestic violence. 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 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. Funding constraints limited stays at the shelter to several days at a time; however, if needed, additional housing was provided in private homes for up to three weeks. Because of the country's small size, abusive spouses commonly found and visited the victims at the shelter, making private homes a safer option in many cases. The Catholic Church continued to be active in educating the public about domestic violence.

The law does not prohibit sexual harassment, and it remained a problem. Government enforcement was not an effective deterrent.

There were no restrictions on reproductive rights, as women were free to choose the number, spacing, and timing of their children. There was no information available regarding maternal mortality. Access to contraception and treatment for sexually transmitted diseases, including HIV/AIDS, was widely available.

The Government has a national gender policy to eliminate discrimination against women in the areas of health, economic development, domestic violence and violence-producing conditions, education and skills training, and participation in power and decision-making positions. At year's end this policy was still in the process of full implementation.

Women enjoy the same rights as men, and the ministry promotes the legal rights of women. While there was little open discrimination against women, instances of cultural discrimination existed. Also, property ownership continued to be deeded to heads of households, who were usually male. The inheritance law provides that intestate succession leaves the surviving spouse with only a life estate. However, the title registration act was amended to accommodate transfer of property between spouses, which boosted married women's property ownership. The law establishes pay rates for civil service jobs without regard to gender. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education, and the unemployment rate for women was high.

The Bureau of Gender Affairs is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. The bureau worked with the DNCW and other organizations to help the Government, NGO, and police sectors coordinate work on women's issues, particularly in data collection and information sharing.

Children.—Citizenship is derived by birth to a Dominican parent. Birth certificates were provided to the parents on a timely basis.

Child abuse continued to be a pervasive problem, and it became more evident as government officials participated in public awareness programs and outreach to communities following several publicly reported prosecutions of child sexual abuse. The Welfare Department of the Ministry of Social Services, Community Development, and Gender Affairs handled reports of child abuse; 80 percent of the victims were girls. Judicial magistrates and other officials estimated that 60 to 70 percent of child welfare cases sent to the high court involved sexual abuse of children. The Welfare Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. That 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. There was no information available about laws dealing with child pornography. The Government was reviewing amending the Sexual Offences Act to strengthen penalties and further penalize criminal acts against children. Incest carries a maximum of 25 years if committed by an adult with a person under 14 years of age. In cases of sexual intercourse with a person age 14 to 16, a maximum prison term of 14 years may be imposed. Prosecutions were often thwarted by out of court settlements for money, which the Government stated it wanted to criminalize through amendments to the law.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There was no organized Jewish community, and there were no reports of discrimination or any anti-Semitic acts.

Trafficking in Persons.—In 2009 there were no reports that persons were trafficked to, from, or within the country.

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.

The Government funded a special school for the hearing impaired and partially assisted two other schools for vision impaired and mentally challenged children. One of the public schools also had a program for autistic children. However, the education of children with disabilities remained a serious challenge, as many of the disabled children were in rural areas.

Indigenous People.—There was a Kalinago, or Carib, population, estimated at about 3,000 persons, most of whom lived in the 3,782-acre Carib Territory. The law establishing the Carib Territory does not delineate clearly its territorial boundaries. There were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children; a new school was completed during the year in Salybia. Despite these schools, however, the Carib language has almost completely disappeared, and students elsewhere in the country were not taught about pre-Columbian history or the role played by Caribs in shaping the country's society. 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.

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. In national elections, persons who are registered in the district but reside outside, either in another part of the country or internationally, are still allowed to vote in the Carib Territory. A Kalinago headed the Ministry of Carib Affairs and was elected chief of the Council of Advisors in August 2009.

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. There were few jobs in the territory, because of the decline of the agricultural sector and the inability to obtain bank financing due to the lack of collateral in terms of privately owned land. Many Kalinagos who moved to the capital city of Roseau did not report any significant discrimination. The vast majority of Kalinagos have intermarried, and it was not always easy to identify someone as Kalinago.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes consensual homosexual relations. Although no statistics were available, anecdotal evidence suggested that societal discrimination against gays and lesbians was common in the socially conservative society. There were very few openly gay men or lesbians. Family members of a September murder victim publicly claimed that the perpetrator attacked the victim because the attacker believed the victim was a member of the LGBT community.

Other Societal Violence or Discrimination.—The Government and the Dominica Planned Parenthood Association initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and those living with them.

Section 7. Worker Rights

a. The Right of Association.—Workers exercised the legal right to organize and choose their representatives. Unions represented approximately 13 percent of the total workforce; approximately half of government workers were unionized, but less than 30 percent of private sector workers were unionized. The informal sector accounts for close to 50 percent of total employment, and workers in that sector are not unionized. There were six unions: the Public Service Union representing the public sector, the teachers union representing teachers in both public and private schools, and four competing unions for the private sector. There was no labor confederation. Prison guards and firefighters do not have a staff association or quasi-union, but the police welfare association functioned as a quasi-union.

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. Nonetheless, in practice essential workers have gone on strike and did not suffer reprisals. The procedure for essential workers to strike is cumbersome, involving giving appropriate notice and submitting the grievance to the labor commissioner for possible mediation. Most such actions were resolved through mediation through the office of the labor commissioner.

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; few disputes escalated to industrial action. A company, a union representative, or an individual can request mediation by the Labor Commissioner's Office. In most cases the labor commissioner was able to resolve the matter. In the agricultural sector most workers were not unionized, as most agricultural work is performed on small family owned farms. With the collapse of the large-scale banana plantations, most agricultural workers no longer worked for larger plantations.

The law provides that employers must reinstate workers who file a complaint of illegal dismissal, which can cover being fired for engaging in union activities or other grounds of dismissal, 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, 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; it was taking steps toward amending the laws. Education is compulsory until age 16, and most children attend school until that age. Children between the ages of 12 and 14 were allowed to work only in certain family enterprises such as farming. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The Government effectively enforced these standards.

e. Acceptable Conditions of Work.—The minimum wage law establishes a base wage of EC\$5.00 (approximately \$1.87) per hour for all public and private workers. The minimum wage was last updated in June 2008 and varies according to category of worker, with the lowest minimum wage set at EC\$4.00 (\$1.50), and the maximum at EC\$5.50 (\$2.06) per hour. 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 as prevailing wages were much higher than statutory minimum wages. 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. In practice such persons were generally paid more than the minimum, and the labor commissioner had not authorized subminimum wages for the last few years.

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. Inspectors from the Department of Labor in the Ministry of National Security, Immigration, and 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 9.7 million, plus an estimated 900,000 to 1.2 million undocumented immigrants, mostly Haitians or their descendants living in the country. In 2008 voters elected President Leonel Fernandez of the Dominican Liberation Party (PLD) for a third term, and in 2010 elections the PLD and its allies won majorities in both chambers of Congress. Impartial outside observers assessed these elections as generally free and fair. There were instances in which elements of the security forces acted independently of civilian control.

Serious human rights problems included unlawful killings; beatings and other abuse of suspects, detainees, and prisoners; fair 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 abuses of children; trafficking in persons; severe discrimination against Haitian migrants and their descendants; 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.—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 National Police statistics, police killed 268 persons in 32 jurisdictions in the course of duty from January to December, a decrease from 346 police killings reported in 2009 by the Attorney General's Office. However, the National Human Rights Commission (NHRC), a nongovernmental organization (NGO), reported 478 police killings, although the methodology used to arrive at this figure was unclear. Lack of training, accountability, and inadequate supervision by superiors contributed to these police killings. Human rights NGOs asserted that, as in previous years, the police continued to employ unwarranted deadly force against criminal suspects. The National Police regularly justified the use of deadly force by claiming that the deaths occurred during an "exchange of gunfire." This often did appear to be the case. According to the police, 43 officers died from January to June, although it was unclear if all died while on duty.

On January 2, a police officer in La Romana killed 28-year-old Francis Gomez Alfonso. According to witnesses, Gomez was driving in a traffic jam and asked a police officer to make room for him to pass; the police officer instead forcibly took one of his companions out of the car, threatened him, and then returned to shoot Gomez. Witnesses said that Gomez, who was not carrying a weapon, had asked the officer to explain the treatment of his companion.

According to media reports, on February 13, members of the National Army and the Specialized Frontier Corps (CESFRONT) shot and killed two Haitians as they attempted to cross the border around the area of La Vig a in Dajab n.

On May 14, members of CESFRONT shot 28-year-old Pedro Daniel Feliz (Mello) of Barahona after he threw away more than two pounds of marijuana and attempted to run away from CESFRONT officers in Pedernales. CESFRONT Captain Rafael Montero Concepcion told the media that the soldier who shot Feliz was under investigation and added that the victim had a criminal record. Montero Concepcion also claimed that the victim had lunged at the soldier and tried to remove his weapon, but other witnesses disputed the captain's claim.

On June 26, a police officer shot and killed 23-year-old Abraham Ramos Morel, a law student at the Autonomous University of Santo Domingo, when he failed to follow a policeman's order to stop in a dark area. Attorney General Radhames Jimenez Pena ordered an investigation of the case, and police officers Manuel de Jesus Martinez and Elvis Vinicio Montero were arrested. Authorities sent Martinez to prison as a "preventive" measure pending the investigation and fined Vinicio 75,000 pesos (approximately \$2,000), put him on probation, and ordered him not to leave the country pending the final outcome of the criminal investigation. On December 3, a judge referred the two accused police officers to a formal trial but did not set a trial date.

On July 3, police officers shot and killed an 81-year-old man, Elio Reyes Severino, a passenger in a vehicle ordered to stop while driving between Santo Domingo and Samana. Afterwards, authorities arrested National Police Major Jose Estrella Fernandez, Second Lieutenant Carlos Alberto Peguero Ortiz, Sergeant Edwin Galvez Fernandez, and Sergeant Majors Richard Urbaz Gomez and Miguel Antonio Frias de Jesus and sent them to prison for three months as a preventive measure pending the final outcome of the criminal investigation into the shooting. The incident was one of a number of cases where police officers allegedly killed persons for not stopping their vehicles when asked to do so, which led an NGO and groups of transportation workers to start a campaign to raise awareness of police violence. Transportation workers and supporters wore T-shirts with the phrase "Police, don't kill me, I will stop in a well-lit area."

On August 18, a Metropolitan Transit Authority officer shot and killed 26-year-old Juanito Jimenez Montero. The incident occurred during a confrontation between the transit police and a group of motorcycle taxis in Santo Domingo. Law enforcement arrested the officers involved and initiated an investigation. The Attorney General's Office also began an investigation of the case.

On October 12, a 32-year-old student, Alfredo Gomez, was killed during a protest in the province of Moca. Gomez was killed during what the police term an "exchange of gunfire" between some protesters and law enforcement officials. At year's end police were carrying out an investigation.

In April a judge sentenced police officers Pedro Antonio Cabrera Garc a and Jes s L zaro Cabrera Garc a to 30 years in prison for the murder of Miguel Antonio Prestol Aquino, who was beaten to death by the officers in February 2009 in Santo Domingo East.

There were no developments in the 2009 police killings of 19-year-old Jose Gomez Taveras; of two suspected kidnappers in Guayabin, Montecristo Province; of Lisandro Cuevas Ferreras; or of two persons killed during a demonstration in Santo Domingo.

In March the Santo Domingo district court sentenced police Major Domingo Antonio Diaz Rodriguez and First Lieutenant Nicolas Martinez to 30 years in prison and fined them 10 million pesos (\$275,000) after finding them guilty of the 2008 murders of Nairobi Caminero de los Santos, Landri Bertan, and Jason Jeffrex Mena in Santo Domingo East.

There was no information available about the police killing of three minors who were suspected in a store robbery, or in the case of a minor killed during a demonstration, or a 17-year-old killed while playing basketball near a demonstration, all during 2008.

On a number of occasions reported in the media, citizens attacked and killed 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. In August a mob chased, shot, and beat a man to death who allegedly attempted to steal a motorcycle in Barahona.

Judicial authorities charged two men as accomplices in the vigilante killing of three Haitians near Jimani in October 2009, but no further information was available at year's end.

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

In October the human rights group “Derechos Vigentes” and family members accused the minister of the interior and the police of complicity in the September 2009 disappearance of Juan Almonte. Authorities denied the charges and considered Almonte to be a fugitive from justice since he was suspected of complicity in a 2009 kidnapping case.

In response to a December 2009 request from the Inter-American Commission of Human Rights, the Public Ministry continued the investigation into the case of journalist Narciso Gonzalez, who disappeared in 1994 after allegedly criticizing the Government. The investigation remained open at year’s end.

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 making efforts to reduce incidents of physical abuse of detainees. Nonetheless, there were also reports of use of excessive force against demonstrators and protesters by members of the security forces. 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 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. Authorities sent 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 through much of 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. The National Human Rights Commission reported that the police continued to use different types of torture to obtain confessions from detained suspects, including beatings that left lifelong scars.

On July 4, police shot Elvis Gutierrez. According to Gutierrez, he was driving with his wife and a friend around 1 a.m. when the police signaled him to stop. Instead of stopping in a poorly-lit area, Gutierrez kept driving and stopped in a better lit area. Police ordered him to step out of the car and to lay down face-front. As soon as he lay down, he was shot in his left leg.

There were no developments, and none were expected, in the 2008 beating of a missionary who refused to remove her clothing for examination at the Najayo prison.

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 fair to extremely harsh, the Government made advances with newer “model prisons” known as Correctional and Rehabilitation Centers (CRCs) where prisoners experienced improved conditions in comparison with other facilities. The CRC program had 13 model prisons, with more to come, based on the concept that most detainees will eventually return to their communities, and thus the CRCs should serve to prepare them for a second opportunity in life. The CRCs, which held 16 percent of all prisoners, strive to provide educational, labor, and artistic opportunities necessary to rehabilitate detainees in a setting of respect and discipline. In contrast to the traditional prisons, the model prisons were run entirely by trained civilian guards, were not overcrowded, and met the basic nutritional need of the inmates. According to the Director of Prisons, per capita expenditure for CRC prisoners was three times more than that spent in conventional prisons. 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 or dangerous inmates were transferred to other locations, increasing the strain on the already-overcrowded prison system.

According to the Directorate of Prisons, there were 20,609 prisoners and detainees, of which 552 were female, held in 40 prisons, with an intended capacity of 11,055. The new CRCs held 3,315 of these prisoners. Virtually all prisons, other than the CRCs, experienced extreme overcrowding. La Victoria prison, the largest in the country, held 5,309 prisoners in a facility designed for 2,000. The prison in

Santiago Rodriguez was the most overcrowded prison, holding 135 inmates in a prison with an intended capacity of 23. Air circulation was a problem, and the danger of a fire outbreak was high.

Reports of mistreatment and inmate violence in prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Health and sanitary conditions were poor, and some prisons effectively were out of the control of authorities and run by criminal gangs of armed inmates. In August the National Police accused three prisoners of killing inmate Jose Gabriel Arias Castillo, "Alex el Pelotero," at La Victoria Prison in what was believed to have been a drug-related contract killing. A common sentiment among prison wardens at conventional prisons was that while the wardens may control the perimeter, inside the prison the inmates often made their own rules and had their own system of justice. In general this situation differed from the CRCs, where specialized prison guards increased control of prison areas. The attorney general, who oversaw the model prisons, reported that the incidence of corruption within the CRCs remained minimal.

Most inmates in conventional prisons 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. According to the Directorate for the Control of Sexually Transmitted Diseases and HIV/AIDS, three prisons in the system provided HIV/AIDS treatment and care services as of June. A 2006 study reported that in four prisons in the country the rate of tuberculosis in prisoners was as high as 100 cases per 10,000 inmates compared with the general population, which the World Health Organization estimated to have 8.5 cases per 10,000 persons. Prisoners with severe cases of AIDS or who had terminal illnesses were not transferred to hospitals.

The National Directorate of Prisons reported 72 prisoner deaths during the year, 59 of which were due to natural causes. Four deaths resulted from inmate upon inmate violence; none of the deaths were attributed to guards. The majority of the deaths were related to various illnesses, including tuberculosis and AIDS.

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 conventional prisons. Approximately 80 percent of prison guards were military or police officers rather than civilian correctional officers, who were employed exclusively at the CRCs.

There were continued allegations of drug and arms trafficking, prostitution, and sexual abuse within the prisons. There continued to be special sections within prisons where police officers convicted of criminal activity, including a few known human rights abusers, were held.

Female inmates generally were separated from male inmates. Half of all female inmates were held in prisons only for women, and two of the 13 CRCs were female-only. Conditions in the prison wings for women generally were better than those in prison wings for men. During the year the Government began allowing female inmates conjugal visits. Those who gave birth while incarcerated were permitted to keep their babies with them up to a year.

Juveniles were processed using specialized juvenile courts and, with increasingly rare exceptions, were held in one of seven juvenile facilities, although the press reported that some juveniles were being held in regular prisons.

Although the law states that prisoners must be separated according to the severity of the criminal offense, in general authorities did not attempt to do so. Pretrial detainees were held together with convicted prisoners in most cases, although in the CRCs convicted felons were separated from those in preventive custody. The Directorate of Prisons estimated that 65 percent 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 18 months in certain complex cases.

There were also insufficient efforts to segregate and provide services to the mentally ill.

Prisoners had access to visitors and were permitted religious observance. Prisoners could submit complaints about their treatment to district attorneys who made

monthly prison visits for this purpose. Complaints were referred to the prison director and, if necessary, to the Directorate of Prisons.

The Government permitted prison visits by independent human rights observers and the media, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The criminal procedures code (CPC) prohibits detention without a warrant unless a suspect is apprehended during the commission of a criminal act or in other limited circumstances. By law authorities may detain a person without charges for up to 48 hours. However, arbitrary arrest and detention continued to be problems, and 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), CESFRONT, and the armed forces (army, air force, and navy) form the security forces. The Secretariat of Interior and Police is responsible for making policy decisions affecting the police force. The military, CESA, CESEP, and CESFRONT are under the minister of the armed forces; the DNI and the DNCD, which have personnel both from the police and military, report directly to the president.

Police officers were fired or prosecuted through the criminal justice system when found to have acted outside of established police procedures. From January to October, authorities dismissed 157 members of the police force and referred 684 to the judicial system for prosecution.

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 December Internal Affairs had conducted 1,964 investigations that resulted in 157 dismissals and 805 sanctions.

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 Ministry of the Armed Forces provided human rights training or orientation to 228 officers of various ranks as well as civilians during the year.

Arrest Procedures and Treatment While in Detention.—Like its predecessor, the new constitution implemented in January provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. The CPC establishes a more restrictive 24-hour time limit in which to make formal charges, which was generally observed. 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 evidence that the arrestee committed a crime that warrants further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

The law also permits police authorities to apprehend without an arrest warrant an accused person when the person is caught at the moment of committing a crime or could be reasonably linked to a crime (e.g., escaped from prison or detention facility, hot pursuit).

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation longer than 48 hours. 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.

Although previously granted only to a few defendants, bail became more common under the CPC, which requires judicial review of detentions at an earlier point in a criminal case, but the system proved inadequate to prevent defendants from going into hiding. In some cases observers suspected that the granting of bail and subsequent disappearance of the suspect were due to corruption or inefficiencies within the judicial system.

The new constitution gives public defenders constitutional recognition, and the law requires provision of counsel to indigent defendants. However, most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing. Nationwide there were 19 public defense offices, with 171 public defenders, 21 part-time defense lawyers, and eight investigators. The Government continued its

program to train public defenders on relevant changes caused by implementation of the CPC and expanded training for prosecutors.

Police continued the practice, albeit less frequently than in previous years, 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 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 15 of 32 district attorney offices.

The law prohibits interrogation of juveniles by the police or in the presence of police. Prosecutors and judges handled 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 did not provide funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them.

The judiciary has judicial service offices in La Vega, Santiago, Moca, and Puerta Plata. These offices allowed urgent matters in need of a judge (such as obtaining an arrest or search warrant and conducting arraignments) to be attended to 24 hours a day. These judicial service offices were 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 influence lower-court decisions. In addition, corruption continued to be a serious problem (see section 4).

The new constitution mandated the creation within one year of a Constitutional Court composed of 13 judges to review the constitutionality of laws and decrees. A Magistrate's Council selects Supreme Court and Constitutional Court justices based on factors such as general reputation and time in service, although the politicized composition of the council leaves open the possibility for appointments based on political loyalties. Lower-court judges are appointed following passage of rigorous entrance examinations, completion of a training program, and successful completion of an examination. Public defenders and public prosecutors 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. The law also provides for a public defense attorney for every person that cannot afford an attorney. Trials are public, but no juries are used. According to the constitution and the law defendants have the right to be present and consult with an attorney in a timely manner.

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. The district attorney's office must notify the defendant and attorney about the criminal charges as well as the evidence the district attorney's office will present in court. Defendants and attorneys have access to government-held evidence, but only after the preliminary hearing, when the indictment is approved by the judge.

Military and police tribunals shared jurisdiction over cases involving members of the security forces. While the tribunals have jurisdiction over cases involving breaking internal rules and regulations, civilian criminal courts handled cases of killings and other serious crimes allegedly committed by members of the security forces.

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 sought amparo in some major cases during the year.

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 and opposition politicians alleged such interference continued.

The NHRC reported several cases in which law enforcement officials punished family members for alleged crimes committed by individuals. The NGO reported that the mother of a 23-year-old man wanted for killing an individual was repeatedly abused and threatened by the police. The police allegedly took her to their headquarters, handcuffed her, leaving bruises on her arms, and threatened to have her fired from her job if her son did not surrender. In another instance, the NHRC reported that law enforcement repeatedly detained the brother of an alleged killer and handcuffed him, leaving bruises. The brother eventually was left alone after the alleged killer was found dead.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals or groups generally were able to criticize the Government publicly and privately without reprisal, although a national journalists' association reported threats against and physical intimidation of journalists. The new constitution provides complete protection of the confidentiality of journalists' sources and introduced a "conscience clause" allowing journalists to refuse assignments. Nonetheless, a journalists' association and a prominent television producer reported that self-censorship was becoming more common, particularly when coverage could adversely affect the economic or political interests of media owners.

In March the Dominican Telecommunications Institute (INDOTEL) shut down Channel 53 in Santiago for broadcasting without the appropriate license the day after the producer used incendiary language against the president and his cabinet. Other sources, however, cited the use of obscene and often homophobic language on air as the reason for the station's closure. The station's owners sued INDOTEL for the necessary broadcast license, and the case was still in the court system at year's end.

The National Journalists' Union reported that during the months prior to the May Congressional elections, other television channels also closed down or experienced interruptions in broadcasting due to political pressure. In other instances certain stations experienced broadcasting interruptions following reports critical of government officials and conflicts over selling broadcast time already reserved by other individuals to political parties.

In June the media rallied around television investigative journalist Alicia Ortega after the director of the Dominican Agrarian Institute (IAD), Hector Rodriguez Pimentel, upset over Ortega's reports linking him to corruption, sent letters to 50 advertisers threatening to include them in suits for defamation if they continued to place commercials on Ortega's program. Minister of the Presidency Cesar Pina Toribio sought to distance the Government from Rodriguez's actions, insisting that Rodriguez was acting in his private capacity, even though he identified himself as IAD director in his letters to the advertisers. As the media outcry over threats to

press freedom escalated, Rodriguez retracted his threat to sue the advertisers, although he reserved the right to sue Ortega and her television channel, Noticias SIN, if they continued what he characterized as a baseless “slander” campaign against him.

Two of the country’s leading investigative publications, the weekly newspaper *Clave* and its sister Internet publication *Clave Digital*, ceased operations on August 5. While *Clave*’s publisher publicly stated that the closure was temporary and due to economic reasons, a communique signed by more than 200 members of the media implied that the media organs closed in response to pressure and threats following *Clave*’s reporting on former police chief Rafael Guzman Fermin’s alleged close connections to a Spanish narcotics trafficker. In the days prior to the closing of the publication, two gunmen shot and killed a man who looked like the *Clave* director in a park in Santo Domingo.

In September a judge revoked a previous decision to exclude the press during sections of the high-profile narcotics money laundering trial of the narcotics trafficker Jose David Figueroa Agosta. The revocation came after the president of the Supreme Court made a public statement regarding the constitutional right to freedom of information and the need to maintain transparency in judicial processes.

On January 12, police arrested Jaimi Antonio Flete, alleged mastermind of the 2008 Santiago killing of cameraman Normando Garcia. Authorities charged Flete with hiring two men to kill the cameraman and also charged them with murder.

The National Journalists’ Union reported that civil, police, and military authorities, criminals, and other persons assaulted or threatened 65 journalists during the year. In May the NGO Reporters Without Borders’ evaluation of press freedom in the country cited a high index of violence, harassment, and abuse against news organizations and journalists but noted that physical attacks against the media declined. The Government did little to investigate the threats of violence or physical attacks on journalists.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available, including wireless hotspots. Blog functions were also available on several local press sites that allowed strongly stated views against the Government and other powerful sectors. According to the International Telecommunication Union, there were 27 Internet users per 100 inhabitants in 2009.

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 killed or injured demonstrators or bystanders (see section 1.a.).

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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; 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.

Following the January 12 earthquake in Haiti, the president announced a moratorium on all deportations of Haitians living in the country. According to the Directorate of Migration (DGM), the policy remained in effect as of year’s end. Although the Government claimed it no longer practiced mass deportation, such practices were still reported. According to the International Organization for Migration (IOM), the Government reduced the number of deportations of Haitians living outside the border region since the earthquake. The DGM reported 3,185 Haitians expelled to Haiti during the year, although other reports from border crossing posts reflected a higher number. 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 fol-

low the guidelines. One NGO reported that seven children were repatriated in one roundup in Jimani in September.

The law prohibits forced exile, and there were no reports of its use.

Protection of Refugees.—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 twice during the past 16 years.

As of December the Migration Directorate reported between 400 and 500 asylum applications, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000, but five cases were approved (three Russians, one Haitian, and one Guatemalan) in 2009, and 15 new cases were 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion, 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, or prevent disruption of educational studies past eighth grade to children of refugees. Due to lack of training, these documents may not be recognized by all officials who might apprehend such a person.

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.

Stateless Persons.—The new constitution provides that anyone born in the country is a Dominican national, except children born to diplomats, children born to parents who are “in transit,” or children born to parents who are in the country illegally. The exception for children of parents illegally in the country is an addition to what the previous constitution provided and reflects a 2005 Supreme Court ruling that children born to parents who were in the country illegally did not qualify as citizens. Thus, even before implementation of the new constitution, children of illegal migrants were denied Dominican nationality. According to the UN Universal Periodic Review in 2009, the Government asserted that even children born of Haitian parents who were legal permanent residents in the Dominican Republic could not be registered as Dominican nationals because the Haitian government does not recognize dual nationality, and the Haitian constitution states that any child born to Haitian parents is a Haitian national. However, the new Dominican constitution does recognize dual nationality and would confer citizenship on children born to legal resident Haitians.

Haitian consulates reported that they were legally authorized to register only those births that were declared within two years. 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, hundreds of thousands of Dominican-born persons of Haitian descent were functionally stateless. From January to October, the Haitian consulate in Santo Domingo registered 471 children. In 2009 the Government informed the UN Human Rights Council that an estimated 900,000 to 1.2 million undocumented immigrants, mostly of Haitian descent, were in the country. The IOM estimated that following the January 12 earthquake, there was an influx of approximately 130,000 additional undocumented migrants. Street Action, a Santiago-based NGO that works with unaccompanied street children, reported that it had seen an increase in the percentage of children from Haiti in its caseload. In October the Director of Migration stated that approximately 200,000 more Haitians were living in the country illegally since the earthquake.

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 undocumented persons cannot obtain the national identification card (*cedula*)

or a voting card. Persons without a cedula had limited access to formal sector jobs, public education past the eighth grade, marriage and birth registration, formal economy services such as banks and loans, access to courts and judicial procedures, and ownership of land or property.

Government officials continued to take strong measures against citizenship for persons of Haitian descent, including retroactive cancellation of birth and identity documents, many pertaining to persons of Haitian descent. The Government stated that such cancellations were based on evidence of fraudulent documentation, but 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. As of March the Central Electoral Board (JCE) had provisionally revoked 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 also cancelled 65 cedula issued to foreign nationals on grounds of fraud, 12 of which were held by Haitians.

In one case reported by the Jesuit Service for Refugees and Migrants (SJRJ), the Civil Registry Office denied a 24-year-old woman with a Dominican passport and cedula a copy of her birth certificate. The registry placed her case in "observation" status, claiming that her parents' legal status at the time of her birth needed to be verified. That person cannot register for university without the copy of the birth certificate.

In 2007 the JCE also created a registration system (the foreigner's book) that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. Such children whose parents had documentation from their home country may be registered in the book, after which the parents would be given an official report of birth, which does not confer citizenship. 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. An estimated 10,000 to 20,000 children are born to Haitian migrants and their descendants each year, but in October 2009 the JCE reported only 631 children registered in the foreigner's book were of Haitian descent. NGOs reported that some Haitian parents who were in the country legally, and whose children were 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.—In May 2008 PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, other independent observers, and the Government electoral board. Observers also described the May 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 four women in the 32-member Senate, 38 women in the 178-member House of Representatives, two women in the cabinet, and five women on the 16-seat Supreme Court. The law requires each party's candidates for mayor and deputy mayor to be of different genders, and there were 12 female mayors and 145 female deputy mayors.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and administration officials who engaged in corrupt practices were not prosecuted, although some were removed from office and others were submitted to the Office for the Prosecution of Corruption for investigation. The World Bank's worldwide governance indicators continued to reflect that government corruption was a serious problem, and the World Economic Forum Global Competitiveness report also listed corruption as the most problematic factor for doing business in the country.

On October 20, the Participative Anti-Corruption Initiative (IPAC) presented 30 recommendations to combat corruption to the president and other officials, various NGOs, and the media. These recommendations—developed by government officials, civil society representatives and the donor community and covering a variety of issues such as government procurement transparency, energy, and water—were the

fruits of the IPAC process, which was born of the president's 2009 request to the international community for help in dealing with the "perception" of corruption in the country. President Fernandez welcomed the recommendations but provided no timelines for implementation and downplayed the extent of corruption in the country.

Government officials continued to be reluctant to investigate seriously and prepare for trial cases involving senior government officials of either the current or former government. The attorney general concluded six corruption cases against lower and mid-level officials, either by conviction or acquittal, the same number as was reported in 2009.

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 and police authorities rounded up undocumented construction workers and other manual laborers of Haitian origin or descent to extort money from them. NGOs alleged corruption among the military and migration officials stationed at border posts and checkpoints and noted that these officials were often complicit in the illegal transit of Haitian workers into the country. The SJRM and the coordinator for the National Migration Roundtable reported that an undocumented migrant paid an average cost of 3,000 to 5,000 pesos (\$82 to \$137) to be transported from Jimani, the largest border post, to Santo Domingo. The SJRM report stated that transporters paid an average bribe of 100 pesos (\$2.70) per person at each of the 16 checkpoints from Jimani to the capital.

Although the newly constituted Court of Accounts submitted a number of audit reports to Congress with significant findings of misuse of public funds and lack of proper procedures, there were no known follow-up measures or sanctions taken. The use of nonjudicial sanctions continued. These measures included the dismissal or transfer of armed forces members, police officers, judges, and other minor government officials engaged in bribe taking and other corrupt behavior. Society's widespread attitude of tolerance toward at least some forms of corruption complicated the effort to reduce corruption.

The Commission for Ethics and Combating Corruption continued to operate, although with minimal practical results as it lacked well-defined authorities and decision-making structures.

In September 2009 the Supreme Court approved a change of venue for the prosecution of several naval officers and a former police officer in Bani for their alleged involvement in killing seven supposed drug traffickers after some of the accused threatened prosecutors and judges. On December 3, three judges sentenced 16 of the 22 suspects in the case to prison terms and acquitted six defendants for lack of evidence. Seven of the 16 convicted, including five former members of the Navy, were sentenced to 30 years' imprisonment, while four others, including a former sailor, will be in jail for 20 years. The only woman involved was sentenced to 10 years in prison. A number of those convicted were also ordered to pay fines of 50,000 pesos (\$1,350). Some of those convicted announced they would appeal.

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 personal and real property within a month of being hired, as well as when they "end their responsibilities." The new constitution further requires public officials not only to declare their property but also to explain its provenance. The Department of Prosecution of Corruption, an office within the Public Ministry, is in charge of reviewing these declarations. Although the press reported a number of incidents in which newly elected members of congress and other government officials did not comply with these disclosure requirements, according to the department, government officials generally complied with the law. Any benefits of previous disclosures were unclear, since government officials were not then required to explain the sources of their property.

The new constitution provides for public access to government information. The law places limits on the availability of such information only under specified circumstances (such as to protect national security). It also provided for penalties of up 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. While often timely, responses were also often incomplete, and the Government rejected subsequent requests. Moreover, there was little consistency in the determination of what was considered public information and what was not. In a 2009 report, Citizen Participation, an NGO focused on increasing civil society participation in the political process, found that overall government compliance with the freedom of information law was low. However, certain government institutions, including the Attorney General's Office, were an exception to the general trend and displayed a high degree of transparency.

Section 5. 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 and threats.

Principal domestic NGOs 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.

The new constitution establishes the position of ombudsman, although the Government never implemented a 2001 law mandating the creation of a human rights ombudsman's office. The ombudsman's functions as outlined in the constitution are to safeguard the fundamental human rights of persons and to protect collective interests established in the constitution and the law.

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

Although the new constitution prohibits discrimination based on race, gender, disability, language, and social status, 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 law provides penalties for rape of from 10 to 15 years in prison (or 10 to 20 years in case of rape of a vulnerable person, a child, or if occurred under other egregious circumstances) and a fine of 100,000 to 200,000 pesos (approximately \$2,770 to \$5,540). The state may prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against spouses. 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.

According to the Third International Report on Partner Violence against Women, published by the Queen Sofia Center, the country had a high number of killings of women related to domestic violence, approximately 22 out of every million women. Despite some government efforts to improve the situation, violence against women continued to be common and increased during the year. 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 \$6,800). 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. Between January and June, the Attorney General's Office reported 57 women killed as a result of domestic violence. In December two women's rights organizations, the Women's Forum and the Movement for a Life without Violence, reported 150 women killed as a result of domestic violence.

The district attorney of Santo Domingo in the National District, which includes approximately 10 percent of the country's population, had a specialized Violence Prevention and Attention Unit with 14 satellite offices around the city. At these offices 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.

As of December, 7,114 complaints had been made to the Violence Prevention and Attention Unit. The cases reported were either settled through mediation, remained in investigation, or were taken to court.

The National Directorate for Assistance to Victims coordinated efforts of official and nongovernmental institutions that offer services to victims of violence. It had three offices in Santo Domingo and two others elsewhere. 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 hotline for prevention and victim assistance.

The Secretariat of Women also operated two shelters for victims of domestic violence in undisclosed locations, where abuse victims could make a report to the police and receive counseling.

Sex tourism existed throughout the country, particularly in Las Terrenas, Cabarete, Sosua, and Boca Chica. NGOs conducted programs about it 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 \$277); however, union leaders reported that the law was not enforced, and sexual harassment remained a problem.

Reproductive rights generally were respected. While contraceptives were freely available, many low-income women used contraceptives inconsistently due to both irregular availability of contraceptives from public agencies as well as social and religious bias against family planning. The Population Reference Bureau reported a 73 percent rate of some method of contraceptive use among married women. Maternal mortality remained high (estimated at 100 deaths per 100,000 live births in 2008 UN data), yet 98 percent of deliveries took place in hospital settings. Despite the high percentage of institutional deliveries, there were groups of women with limited access to qualified care. Such is the case of the border province of Elias Pina where, according to a 2007 survey, 14 percent of the deliveries took place at home.

Most maternal and neonatal deaths were due to poor quality of care and failure to adhere to standards norms and protocols, resulting in mismanagement of both normal and complicated deliveries. Most women had access to some postnatal care although the lack of postnatal care was higher among young, uneducated women and those in the lowest economic quintiles. In some poor provinces such as Pedernales, 29 percent of women received no postnatal care. Access to diagnostic services and treatment of sexually transmitted diseases was limited by technical, financial, and management issues, which equally affected both men and women. Approximately 15,500 persons with HIV/AIDS—the majority of whom were women—had access to antiretroviral treatment.

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.—Citizenship is acquired by birth in the country, except children born to diplomats, to those who are “in transit,” or to parents who are illegally in the country (see section 2.d.). A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. The most recent report by the NGO Profamilia and the UN Children’s Fund indicated that 13 percent of children under 15 were not registered. Undocumented children, particularly those of Haitian descent, faced challenges in accessing primary public education.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. The Attorney General’s Office has a special Children and Adolescent’s Unit, which maintains a hotline where persons may call in to report cases of child abuse. The hotline received about 30 calls a month. As of September, 1,888 complaints had been filed in the National District, which primarily represents the capital city of Santo Domingo. Of these, more than half were awaiting a court appointment. 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 observers believed that instances of child abuse were underreported because of the widespread belief 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 law covers statutory rape, and the age of consent is 18. Penalties for statutory rape are 10 to 20 years in prison and a fine of 100,000 to 200,000 pesos (\$2,778 to \$5,556) if rape is committed against a child or adolescent. The law also contains specific provisions that prohibit child pornography and child prostitution, prescribing penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100 to 150 times the minimum wage.

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, sexual exploitation of children, and child sex tourism remained serious problems, particularly in major urban areas and popular tourist destinations. Child prostitution often was based on economic need, and the Government conducted several programs to combat the sexual exploitation of minors, including notices in airports and targeted programs in popular tourist locations.

The Ministry of Labor continued 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 and their families to arrest and convict exploiters.

The Government is a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish community was very small, about 300 persons, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 23 branches around the country, received a large subsidy from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment. The 2000 disability law states that the Government should ensure that people with disabilities have access to the labor market and cultural, recreational, and religious activities.

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 and discrimination against persons of dark complexion, but the Government denied that such prejudice or discrimination existed and, consequently, did little to address the problem.

There were also 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, service in restaurants and stores, entry into nightclubs, enrollment in private schools, and birth registration in hospitals. In a 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. The Government's 2009 UN Universal Periodic Review report 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 relief, especially following the January earthquake. According to the Directorate of Migration, there was no repatriation or deportation of Haitians since the earthquake in accordance with the president's policy to halt them in the aftermath of the crisis. However, the directorate continued to carry out devoluciones or "returns" of undocumented Haitians to Haiti. Officials claimed that these removals should not be considered repatriations or deportations, although the distinction between the two was unclear. 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 and others 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, running water, sanitary facilities, or 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.

Private enterprises in the sugar sector continued to make improvements at their facilities, a process that began in 2007, including new schools and both new and renovated housing. In Nuevo Cayacoa, more than 40 families were living in the new facilities, and the school enrolled 325 students from the batey and neighboring areas. The community also had a clinic where batey workers and their families received medical care from a doctor. A neighboring batey located at the area where the sugarcane is processed had a school with 620 students from bateyes and the bordering neighborhoods.

During the year there were reports of vigilante violence (see section 1.a.).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Treatment of lesbian, gay, bisexual, and transgender (LGBT) individuals ranged from ambivalent tolerance to staunch homophobia. While no law criminalizes homosexuality, members of the LGBT community continued to be discriminated against in all areas of society, including health, education, and work, since no law protects individuals against discrimination based on sexual orientation or gender identity. Transgender individuals were particularly at risk of being victims of violence.

NGOs reported widespread social discrimination against persons based on sexual orientation. Numerous credible reports indicated members of the LGBT community were expelled from public school, arrested without reason, fired from work, or denied access to rent or own homes.

Gay and lesbian persons faced physical attacks, intimidation, harassment, and threats of violence. NGOs reported that these groups were reluctant to file charges or complain to authorities due to fear of reprisal or humiliation. Several killings during the year were linked to the victims' sexual orientation.

On March 30, Ramon de Jesus Crisostomo de Leon ("Monchina"), a transgender sex worker, was killed. On May 11, authorities arrested a suspect, who later confessed to the crime, claiming he was the victim of deception since he thought Crisostomo was "a woman and not a transsexual person."

On July 1, three male clients allegedly stabbed and killed Daniel Corporan Suero ("Arenita"), a 22-year-old transgender sex worker in Santo Domingo.

Several LGBT advocates confirmed reports that authorities denied members of the LGBT community the right to congregate in public spaces, specifically Duarte Park, a traditional LGBT gathering place in Santo Domingo's Colonial Zone. On April 6, the newspaper *Listin Diario* ran several articles citing concerns by Catholic Cardinal Nicolas de Jesus Lopez Rodriguez regarding the "vulgarity" carried out by couples of the same sex late at night. Additionally, some members of the local neighborhood association complained of sexual exhibitionism by gays, lesbians, and heterosexuals alike and charged that the LGBT community in particular was not respectful of morality and tradition. The Cardinal's concerns led the National Police to increase the number of police patrolling the area. The inability to freely associate and gather in Duarte Park became a point of contention between government authorities and members of the LGBT community, who claimed they are the victims of police harassment whenever they gather in public places.

Since the first gay pride celebration in 2001, authorities rejected or delayed all other permission requests by gay and lesbian organizations. Activists reported that these organizations substituted marches and concentrations by small informal gatherings in recreational spaces, activities that do not require any type of permission from authorities.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS faced discrimination in the workplace and elsewhere. According to the UN agency UNAIDS, an estimated 52,000 to 71,000 persons were infected with the disease. A study by the Network of Persons Living with HIV, Profamilia, and Alianza Solidaria revealed that, among the sample of persons living with HIV who were interviewed, 62 percent reported being the subject of gossip, 30 percent were the victims of verbal aggression, 27 percent were the victims of verbal threats, and 14 percent were victims of attacks or physical threats.

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. Many workers or patients found to have the disease were not hired or were 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 was enforced, despite reports that official complaints had been filed.

Section 7. Worker Rights

a. The Right of Association.—The law provides for the freedom to organize labor unions; all workers, except the military and the police, were free to form and join unions of their choice. There were some restrictions placed on civil servants for union formation; 40 percent of civil servant employees must agree to join the union in a given government entity for it to be formed. Organized labor represented an estimated 8 percent of the work force. Although the law requires that unions be registered by the Ministry of Labor in order to be legal, it provides for automatic recognition of a union if the ministry has not acted on the application within 30 days.

The law allows unions to conduct their activities without government interference. In June the National Council of United Unions (CNUS), one of the largest confederations, brought a complaint against the Government before the International Labor Organization (ILO) for obstructing the right to unionize and to register unions in companies. CNUS accused the Labor Ministry's national director of labor of obstructing the registration of unions in major companies, including Barrick Gold. CNUS claimed that the director was blocking the formation of unions by rejecting their registration applications and delaying approvals. The Ministry of Labor argued that the only reason unions were not allowed to register was because of their lack of compliance with (unspecified) ILO regulations. Following the filing of the ILO complaint, the ministry approved the Workers Union of the Barrick Gold Company and other unions whose registrations had previously been rejected. The complaint is scheduled to be reviewed by the ILO at the next International Labor Conference scheduled for June 2011.

A few labor unions represented a small number of Haitian workers, who are covered by the labor code regardless of legal status. Persons who join unions must have documentation, but enforcement of documentation rules for union members was lax allowing some undocumented Haitians to participate in practice. Various NGOs continued to report that many Haitian laborers and Dominicans of Haitian descent in the agricultural and construction industries did not exercise their rights, fearing firing or deportation.

The law provides for the right of most workers to strike but includes a number of requirements for the strike to be legal, and 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.

All government workers and essential public service personnel are not allowed to strike. The labor code defines essential public service personnel as those working in communications, water supply, gas and electricity supply for domestic and street lighting, and hospital pharmacists. The Ministry of Labor offered a worker-employer conciliation process in an effort to provide due process to protect workers' rights.

b. The Right to Organize and Bargain Collectively.—The law protects the right of private sector employees to organize and bargain collectively. While the law requires that collective bargaining be used in firms in which a union has gained the support of an absolute majority of the workers, it does not allow for collective bargaining unless a trade union represents an absolute majority of the workers. The ILO considered this requirement to be excessive and an impediment to collective bargaining.

Few companies had collective bargaining pacts, partly because companies created obstacles to union formation and could afford to go through lengthy judicial processes that nascent unions could not afford.

The ILO noted that the law did not specifically address the right to collective bargaining of public servants not engaged in the administration of the state. Public sector workers are allowed to form associations registered through the Office of Public Administration, not the Ministry of Labor.

The law establishes a system of labor courts for dealing with disputes. This process was often long, with cases remaining pending for several years. Although the Government stated that there have been some improvements in this process, unions noted that the process remained long. In smaller municipalities the system can be shorter, taking about one year, but in the more populated cities, including Santiago and Santo Domingo, the process continued to take 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. Various NGOs reported that companies took advantage of the slow and ineffective legal system to appeal cases, which left workers without labor rights protection in the interim.

Public officials reported that the ministry's nonbinding conciliation process, involving 37 mediators in eight locations, was the most effective method for resolving worker-company disputes though other sources reported that the conciliation process's effectiveness has diminished in the past two years.

The law forbidding companies from firing union organizers or members was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. Some NGOs continued to report that workers who tried to form unions were routinely fired. 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) noted incidents of antiunion activity at Gildan Active Wear, Kola Real, Barrick Gold, Universal Aloe, and Peruvia Motors. FEDOTRAZONAS complained that the management of these companies or their subcontractors conducted public antiunion campaigns, which included threats to fire union members, and engaged in activities to forestall attainment of union membership sufficient to establish collective bargaining rights under the labor code.

According to the National Labor Force survey completed by the Central Bank, about 56 percent of the workforce is in the informal sector. In view of the scarcity of formal sector employment, the fear of reprisal greatly limited worker ability to freely associate. Workers were often asked to sign documents agreeing not to participate in union activities. Companies often created and supported "yellow" or company-backed unions to counter free and democratic unions. In addition the use of short-term contracts and subcontracting was increasing—often making union organizing and collective bargaining more difficult.

There were no new developments in the Ministry of Labor's 2008 investigation of labor rights violations—including discrimination against union members, forced overtime, and minimum wage violations—reportedly committed by an agricultural export company in the north of the country. FEDOTRAZONAS reported that the company continued to discriminate openly against its members during the year.

The labor code applies in the 57 established FTZs, which employed approximately 115,000 workers. According to the National Council of Labor Unions, unions were active in only 12 or 13 businesses out of approximately 200 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. Working conditions were reportedly sometimes better, and the pay in the FTZs was occasionally higher than in the public or agricultural sectors. At the same time, mandatory overtime was a common practice.

There were reports of widespread covert intimidation by employers in the FTZs to prevent union activity, as well as reports of firing of workers for union activity and blacklisting of trade unionists. 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, but there were reports of forced labor of both children and adults within the country. There were reports that both adults and children were forced to work as domestic servants (see section 7.d.).

Haitian workers' lack of documentation and legal status in the country often placed them in a tenuous situation and made them vulnerable to forced labor. Although specific data on the issue were limited, there continued to be reports that some Haitian nationals may have been subjected to forced labor in the service, construction, and agricultural sectors.

Labor conditions in sugar cane plantations remained harsh. There continued to be conflicting views regarding whether or not forced labor was used in the production of sugar. Some credible NGOs reported that, although undocumented Haitian workers were vulnerable to exploitation, forced labor was no longer used in the sugar industry. However, there also continued to be some reports of exploitive labor practices that some observers maintained could constitute forced labor when considered together. These reports included deceptive recruiting practices, nonpayment or payment in vouchers which were difficult to convert into cash, and restrictions on some workers' ability to leave plantations—including forcible capture and return of workers, withholding of documents, and threats of deportation. Private sugar producers noted that the overall number of workers in the sugar industry has declined with increased mechanization and a decrease in the relative importance of sugar production in the economy. They acknowledged that they continued to hire some undocumented Haitian workers already residing and working in the country but insisted that they did not force these individuals to work.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 some evidence it lessened during the year. One NGO estimated that 364,000 minors between five and 17 years of age worked illegally. Regulations limited working hours of those between the ages of 14 and 16 to six hours per day; for those under age 18, the law limited night work and prohibited employment in hazardous occupations, under unhealthy working conditions, or in establishments serving alcohol. 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 in the informal sector was a problem largely beyond regulatory reach.

Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. In particular, there were reports that children worked in the production of garlic, potatoes, coffee, tomatoes, and rice. The Ministry of Labor, following site inspections conducted throughout the country, including in sugar growing areas, reported that the sugar consortium's bateyes no longer used child labor on their property. However, others continued to report that children work in sugar plantations alongside their parents. NGOs and the Ministry of Labor also reported that many children worked in the service sector in a number of jobs including as domestic servants in households, as street vendors, as well as in shoe shining, and washing car windows. Children often accompanied their parents to work in agricultural fields, in part because parents had nowhere else to leave their children, since schools 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 and urban areas (see section 6, children).

Children also worked as domestic servants, and many appeared to be victims of forced labor. There were credible reports that poor Haitian families arranged for Dominican families to "adopt" and employ their children. In some cases adoptive parents reportedly did not treat the 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. (Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.) Some NGOS reported an increase in the number of Haitian children working on the streets shoe-shining, window-washing and begging (also see section 6, children).

The Ministry of Labor in coordination with the National Council for Children and Adolescents (CONANI) is responsible for enforcing child labor laws. The Ministry of Labor and CONANI did not always effectively enforce the law, particularly in the large informal sector. The Ministry of Labor employed 222 labor inspectors, all of whom received special training to locate and eliminate illegal child labor. From Jan-

uary to April, the ministry inspectors completed 70,925 inspections at which inspectors only found child labor violations on three occasions.

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 2008 the Ministry of Labor launched a program to support public-private partnerships aimed at preventing hazardous child labor with a goal of withdrawing 8,500 children from exploitive labor. It exceeded that goal and had withdrawn 12,044 children by August 31. Nine other programs focused on children working in coffee, tomato and rice production, street vending, domestic labor, and the sex industry. According to the Ministry of Labor, these programs have prevented 63,000 children from entering or continuing in the labor force since 1997. They helped reduce the number of children exposed to the worst forms of child labor from 9.3 percent in 2004 to 6.4 percent in 2008.

e. Acceptable Conditions of Work.—In practice the Ministry of Labor did not always enforce the minimum wage. The minimum monthly salary was 5,400 pesos (approximately \$145) in the FTZs, an increase from 2009, and between 5,158 and 8,465 pesos (\$138 and \$227) depending upon the size of the company, outside the FTZs. The minimum wage for the public sector was 5,117 pesos (\$137) per month. The daily minimum wage for farm workers covered by minimum wage regulations was 175 pesos (\$4.70), based on a 10-hour day, which includes all agricultural products except sugarcane. Cane workers were subject to a special, lower minimum wage for the sugar industry of 110 pesos (\$2.95) per 8-hour work day, an increase from 2009. The national minimum wage did not provide a decent standard of living in any industry for a worker and family. All workers, including migrants, are covered by minimum wage provisions.

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, although enforcement was ineffective. At some firms in the FTZs, overtime was mandatory. Mandatory overtime continued to be a common practice in factories and was sometimes enforced through loss of pay or employment for those who refused. The FEDOTRAZONAS reported that some companies set up "4x4" work schedules, in which employees work 12-hour shifts for four days. Employees working the 4x4 schedules were not paid overtime for hours worked in excess of maximum work hours allowed under labor laws. The Ministry of Labor took no corrective action to address this issue. Some companies also started a practice to pay every eight days instead of every seven days, which resulted in a loss of wages for workers.

On sugar plantations cane cutters usually were paid by the weight of cane cut rather than the hours worked. Cane cutters continued to suspect fraud by weigh 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 \$4.30-\$6.40). However, less able-bodied workers, who were often older, were paid only for the amount of the cane they actually cut, even if the amount was less than the minimum wage. During the six-month off-season, some workers in sugar plantations who opted to remain in their communities were offered part-time jobs such as clearing land or cleaning sugarcane. Such workers generally were not paid the legally mandated minimum wage.

Conditions for agricultural workers were poor, with many workers working long hours and exposed to hazardous working conditions including the exposure to pesticides, excessive exposure to the sun, and use of sharp and heavy tools. Many activists reported that workers in the sugarcane industry who lived in company-owned bateyes had inadequate access to schools, medical facilities, running water, and sewage systems. Sugarcane workers often did not receive medical services or pensions due to the lack of documentation 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. Although the inspectors noted over 2,000 infractions, the findings of these inspections were not effectively enforced. Workers complained that inspectors were not trained, did not respond to health and safety complaints, and more quickly responded to requests from employers than workers. While the law requires that employers provide a safe working environment, in prac-

tice workers could not remove themselves from hazardous working situations without losing their jobs.

ECUADOR

Ecuador is a constitutional republic with a population of approximately 14.3 million. In 2008 voters approved a referendum on a new constitution, which became effective in October of that year, although many of its provisions continued to be implemented. In April 2009 voters reelected Rafael Correa for his second presidential term and chose members of the National Assembly in elections that were considered generally free and fair. Security forces reported to civilian authorities.

The following human rights problems continued: 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. President Correa and his administration continued verbal and legal attacks against the independent media. Societal problems continued, including physical aggression against journalists; violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and lesbians and gay men; 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.—The Government or its agents did not commit any politically motivated killings; however, there continued to be credible reports that security forces used excessive force and committed isolated unlawful killings.

On April 23, the Government's Unit for the Fight against Organized Crime released a report exposing the existence of a gang of hit men composed of active-duty police. The report stated that police were part of a "social cleansing group" that killed delinquents in Quevedo, Los Rios Province. In July the UN special rapporteur on extrajudicial executions, Philip Alston, called attention to "shocking" levels of impunity for killings in the country throughout the year. He accused police of failing to investigate cases they label as "settling of accounts" between different gangs or criminal groups and stated that this "creates an easy cover for police who are themselves implicated in killings."

On August 1, police officers Nixon Guaman and Rolando Gualapanti allegedly shot and killed Christian Quimis Lozano. Police stated that gang members shot Quimis Lozano before police found him, while family members asserted that they saw police pursue and shoot him. The police opened an investigation into the case, but the two officers remained on active duty. The accused officers did not appear at the first hearing, and the case was rescheduled.

In 2008 the bodies of three men were found in a car in Manta. One of the victims was Yandry Velez, who had allegedly fled to Manta to hide from Diego Erazo, chief of the operational support unit of the Judicial Police in Pichincha Province. The family asserted that police killed Velez and his friends on orders from the mayor. The case was dismissed by year's end on grounds of insufficient evidence.

On June 5, the presidential commission established in 2007 to investigate human rights violations committed between 1984 and 2008 issued its final report. The commission reported that it had found numerous serious violations, including killings, during that period (see section 5).

Vigilante justice remained a problem. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities where there was little police presence.

On May 25, Victor Eduardo Naranjo Morejon and Pedro Mesias Velasco Morejon were beaten and burned to death by the local community in Orellana Province. One of the men had fought violently with a local indigenous teacher. After the killing, police took eight persons into custody and the prosecutor opened an investigation, which was ongoing at year's end.

On July 13, in Chimborazo Province, community members broke into a police detachment and proceeded to assault and burn alive Jose Ariel Pichu Toledo and Antonio Alfredo Delgado Navarrete, who were accused of robbing \$4,000 (the U.S. dollar is the official currency) from a woman and killing a taxi driver. Antonio Delgado died five days later from burn injuries. The provincial prosecutor stated that the case was under investigation, but no arrests had been made by year's end.

On July 25, Angel Molina was burned alive by community members in Azuay Province for robbing gasoline canisters. Molina died shortly thereafter in a local hospital. The police opened an investigation, but no arrests had been made by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. In September authorities opened an investigation and detained 17 police officers in connection with the reported disappearance in September 2009 of Georgy Cedenó (see section 1.c.).

Criminal kidnapping for profit was a growing problem in selected regions of the country. There were reports of extortion and threats of kidnapping of ranchers, farmers, and businessmen along the Colombian border. From January through November, police reported 25 kidnappings and an estimated 700 “express kidnappings” (in which a person is detained in a taxi and forced to make automatic withdrawals of personal funds), compared with 28 kidnapping cases and 347 “express kidnappings” in 2009.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, sometimes with impunity. In July the ombudsman acknowledged that “torture is a practice that has taken root.”

The constitution makes “any form of torture” illegal; the criminal procedures code (CPC) has a similar provision and criminalizes the use of torture to force confessions by state authorities and members of the police or military. The Prosecutor General's Office tracked information on imprisonment of alleged torturers, but classified these cases as “crimes against persons” and not as “torture.” Those found guilty were often fined rather than imprisoned. According to the Judicial Council's Registration and Control Unit, during the year, 17 cases of torture were filed, with 12 defendants in prison awaiting trial and one conviction.

Through November the Ecumenical Human Rights Commission (CEDHU) registered 159 cases of alleged “torture” or “unwarranted physical aggression” by police forces. CEDHU reported that police beat suspects and used tear gas during arrests, and that police beat and threatened suspects throughout interrogations to force them to confess to crimes.

On July 25, Omar Vidal accused five police officers of attacking and arbitrarily detaining him. Vidal called the police after a robbery but stated that police attacked him and hit him in the face. Prosecutors opened an investigation and requested video from the street surveillance cameras for evidence in the case. On August 20, because of the investigation, two of the accused police officers, Wilmer German Galarza Lóor and Armando Patricio Campoverde Llamuca, were separated from service. Another officer, Jorge Macías Moreira, was suspended.

In March the interior minister requested that the public prosecutor investigate the case of three siblings, Jenny Karina Pico Suárez, Fabricio Colón Pico Suárez, and Javier Universi Pico Suárez, and their stepfather, Georgy Hernán Cedenó Saltos. The Pico Suárez family accused seven members of the National Police Operations Support Group of illegally detaining and torturing them in northern Quito on September 30 and October 1, 2009. The family asserted that Cedenó disappeared after being detained with the others. The brothers filed a complaint with police, who initially refused to open an investigation. On September 8, authorities initiated an investigation and subsequently detained 15 police officers from the Operations Support Group and two from the Motorized Operations Group and charged them with involvement in arbitrary detention and torture. On October 30, a judge released the suspects from the Motorized Operations Group, ruling that they were following orders of their superiors.

On September 6, the interior minister asked the National Police to reopen an investigation into seven police officers involved in the 2008 case of three men in Quito who claimed police tortured them to force confessions that they had taken part in a robbery. In 2009 all charges against the robbery suspects were dropped. While the prosecutor requested that the case against all police officers be dropped, the charges against lower-ranked officers were kept. The investigation remained open, and all officers continued in active service.

From 2007 through August 2010, the National Police held 503 disciplinary tribunals for abuses committed by police. As a result, 367 police officers were dismissed, 171 were arrested, and 68 were sanctioned. On September 7, the interior minister reopened 290 cases of possible police abuses. Tribunals continued at year's end.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers were generally poor and tended to be worse in the tropical coastal areas

than in the temperate highlands. Justice Minister Jose Serrano stated that existing facilities were overcrowded by 93 percent.

A number of prisons experienced serious outbreaks of disease, and medical care was often inadequate. The daily allocation for prison rations was one dollar per inmate; prisoners often supplemented these rations by buying their own food. The National Agency for Social Rehabilitation (DNRS) reported that 42 prisoners died during the year, compared with six deaths in 2009.

Overcrowding continued to be a problem in most prison facilities, although the number of detainees dropped sharply in 2009 primarily due to a law that limits the period prisoners may be held before conviction or sentencing. The decrease also reflected the continuing work of a temporary public defenders' unit that hired more than 150 lawyers to defend poor prisoners, especially those awaiting sentencing. As of July, the DNRS reported that 38 facilities designed to hold 8,480 prisoners were holding 11,800 prisoners, compared with 10,808 in the previous year. According to a report by the international nongovernmental organization (NGO) Prisoners Abroad, resources in the prisons were minimal and prisoners (and their families) were expected to provide almost all mattresses, clothing, and medicines. Three very basic meals a day were provided, but prisoners reported that the quality of food could be very poor. There was usually hot water in the women's prison, although not in the men's prison. Water shortages were common in the women's prison in Quito. Chronic overcrowding and lack of preventive healthcare measures meant that disease spread very quickly. Healthcare provision was minimal and only sufficient for emergencies.

Conditions were notably better in the Quito women's prison than in men's facilities. There were no adolescents or children more than three years old living with their incarcerated mothers. Detention centers provided day-care facilities for children younger than three who could not be separated from their mothers. Pretrial detainees were held with convicted prisoners. According to CEDHU, male guards were responsible for guarding female inmates, and female inmates reported that male guards requested sexual favors in return for assistance.

Although in most instances the Government permitted prison visits by independent human rights observers, authorities occasionally did not permit observers to visit prisoners who had been placed in isolation cells after they allegedly had been beaten. The DNRS stated that all properly identified officials and representatives from NGOs were able to visit prisoners, yet many times observers and authorities were not able to find prisoners because of poor record keeping and corruption of prison officials. According to a report by Prisoners Abroad, prisoners were allowed all-day visits three days a week and, in the men's prisons, women could stay overnight every other Saturday.

One new maximum-security facility, with more than 70 double-occupancy cells, opened in July in Guayaquil. An additional Social Rehabilitation Center opened in Santo Domingo in October when 80 prisoners were transferred there. When finished, the facility will accommodate up to 1,054 prisoners in both men's and women's sections. On August 31, the Government declared that the penitentiary system was in a state of emergency due to overcrowding and poor conditions and budgeted \$40 million to start construction on four new facilities in 2011.

d. Arbitrary Arrest or Detention.—While the constitution prohibits arbitrary arrest and detention, in 2006 the UN Working Group on Arbitrary Detention noted that provisions in the CPC, the penal code, and some regulations adopted by central or provincial authorities “undermine the guarantees and protection offered.”

Role of the Police and Security Apparatus.—The National Police are under the authority of the Ministry of Interior. National Police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources. NGOs provided human rights training for police officers at the request of the National Police. The Government undertook major initiatives to improve the preparedness of police, including increasing funding and salaries and purchasing equipment.

Some municipalities, such as Quito and Guayaquil, have their own metropolitan police forces in addition to the National Police. Guayas Province also has an autonomous transit police department. A police internal affairs office investigates complaints against police officers and can refer cases to the courts. According to reliable NGOs, members of the Quito and Guayaquil metropolitan police occasionally used excessive force.

On September 30, the National Police at Quito's First Regiment barracks staged a strike over benefits, which quickly spread to other police detachments nationwide and some military units. The protest in Quito became violent, and when visiting the barracks in an attempt to convince the protesters to end their strike, President

Correa was assaulted, aggravating an injury to his recently operated knee. Correa sought refuge and received treatment at the National Police Hospital; he eventually was rescued that night in a combined police/military operation after expressing fear for his personal safety, based on the actions of police protesters in and around the hospital throughout the day.

On September 30, President Correa declared a nationwide five-day state of exception, covering the whole country, to allow the military to assume the responsibilities of the police and restore order. Beginning October 1 and in the following days, the military assumed police duties and patrolled the streets. Police began to resume their duties on October 1 and within a few days returned to their normal patrols in coordination with the military.

On October 5, the state of exception was extended for three additional days nationwide. On October 9, President Correa extended the state of exception only for Quito, allowing the military to continue to exercise police duties in protection of government installations, including the National Assembly. The state of exception in Quito expired on December 7.

Following the protest, the Prosecutor General's Office opened 10 different investigations for attempting to assassinate the president, threatening internal security, murder, rebellion, and sabotage. All 10 investigations were ongoing at the end of the year. Prosecutors formally charged at least 65 persons and heard testimony from over 700. The National Police also carried out internal investigations resulting in administrative sanctions for police who disobeyed orders. Twenty-three persons reportedly remained in pretrial detention while the investigations continued, and 33 were released on bail. Fourteen employees in two ministries were accused of paralyzing public services during the protest and were fired from their jobs.

Arrest Procedures and Treatment While in Detention.—The law requires authorities to issue specific written arrest orders prior to detention, and they must charge a suspect with a specific criminal offense within 24 hours of arrest. Within 24 hours of arrest, detained persons may challenge the legality of their detention through a habeas corpus petition to a judge in the locality where detention took place. The constitution provides that a prisoner may be released only by court order.

The law stipulates that pregnant women cannot be held in prison facilities during pretrial detention, although women who are pregnant or become pregnant after sentencing must remain incarcerated. However, according to reliable NGOs, police sources, and press reports, many pregnant women were jailed rather than being confined to their homes during pretrial detention.

Bail is allowed only in the case of crimes punishable with prison terms of less than five years and is prohibited for hate, sexual, and domestic-violence crimes and in cases where, in the judge's opinion, release may result in public alarm.

Investigative detention up to and including trial is legal if a judge determines that it is necessary and if evidence is presented that a crime has been committed. The law limits immediate detention to 24 hours for in flagrante crimes or to allow investigation to begin. In most jurisdictions, immediate detention is often considerably longer. If the initial investigation report is detrimental, the judge, if requested by the prosecutor, may order preventive detention, which is limited to six months for minor offenses and one year for major offenses.

The law limits the period that detainees may be held after indictments have been issued, but before conviction or sentencing, to six months in the case of less serious crimes (those punishable with "correctional imprisonment") and one year in the case of major crimes. However, authorities repeatedly circumvented this provision by filing new charges when the limit was close to expiring. Most accused persons remained in prison during the investigation phase. According to government data as of July, approximately 53 percent of prisoners had not been sentenced.

Although the law entitles detainees 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 bribed prison officials to facilitate access and carry cell telephones. CEDHU reported that Judicial Police facilities holding persons for preliminary investigation did not allow 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.

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 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 the judicial sentences and sent them back to the presiding judge for signature. Judges occasionally reached decisions based on media influence or political and economic pressures.

The constitution provides for a unified judicial system, which abolished separate military and police judicial systems. On April 27, the National Assembly passed a law integrating the members of the former military and police courts in the ordinary judicial system; as a result, the ordinary judicial system tries military and police cases.

The 2005 appeal by 27 Supreme Court justices who were replaced by Congress in 2004 remained pending with the Inter-American Commission on Human Rights.

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 due to 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 convicted in trial, and have the right to a public trial, defense attorneys, and appeal. They may present evidence, invoke the privilege against self-incrimination, and confront and cross-examine witnesses. The law extends these rights to all citizens. The Transitory Public Defense Unit, established in 2007, became the autonomous Public Defense Office and has 127 criminal defense lawyers in charge of 4,800 cases. An additional 300 attorneys were contracted from legal services centers, and they handled about 7,800 additional cases.

Civil society groups, lawyers' associations, and universities—some contracted by the Transitory Public Defense Unit—continued to provide support for vulnerable groups that did not have access to legal defense.

The regular court system tried most defendants, although some indigenous groups tried members independently for violations of tribal law. While the law and the constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right is to be implemented. This parallel system raised questions of both jurisdiction and conformity with the right to a fair trial, as well as the possibility of inconsistent results between systems.

Reforms to the CPC in 2009 distorted the criminal justice system by limiting the length of detention prior to conviction but allowing prosecutors to amend charges or charge the same defendant with different crimes in order to continue detaining the person. In addition the constitution places the Prosecutor General's Office within the judicial branch and under its supervision, giving the Judicial Council exclusive power to train, evaluate, and sanction prosecutors. This judicial oversight threatened prosecutorial independence over which cases to investigate and charge. Under the current system, some prosecutorial decisions may be subject to review by a magistrate at an adversarial evidentiary hearing conducted during the investigative phase of the trial. CPC reforms aimed at providing criminal procedural protection also created a complex, sometimes confusing, system and slowed the judicial process by retaining vestiges of the old inquisitorial system, which required that certain matters be submitted in writing. Some protections for defendants increased. For example, up to 20 preparation hearings (similar to a preliminary hearing) including ruling on motions related to evidentiary matters are possible before the actual trial proceedings.

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

Civil Judicial Procedures and Remedies.—Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed, since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

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 restricted these rights in practice. Verbal and legal attacks against the press by President Correa and his government continued during the year. The relationship between the press and the Government continued to deteriorate, and there were reports of indirect censorship and self-censorship. During the year several well-known television and radio political commentators resigned, publicly attributing their decisions to government pressure on their media outlets.

Generally, individuals could criticize the Government publicly or privately without reprisal. However, it is illegal to threaten or insult the president or executive branch, and violators can be reprimanded with six months' to two years' imprisonment or a fine of \$16 to \$77. While the independent media remained active and expressed a wide variety of views, including those critical of the Government, the NGO Monitoring Network of Threats to Press Freedom reported 151 cases of harassment (threats, attacks, or arrests) against journalists or other representatives of the press.

On January 17, unidentified persons broke into the home of Alfredo Negrete, the executive director of the Ecuadorian Association of Journalists. While the house was carefully searched, only items of little value were missing.

On January 27, police detained Carlos Julio Solano nine hours for supposedly making an obscene gesture at the president while he exited a television station. President Correa later apologized for the abuses of the police.

A March 3 Inter-American Press Association report asserted that the Government "redoubled its offensive" against press freedom. According to the 2009 Report of the Inter-American Commission on Human Rights' special rapporteur for freedom of expression, "Ecuador has seen a rising climate of polarization in which attacks on and threats against journalists and media outlets of all editorial positions have increased."

On March 13, President Correa encouraged citizens to organize and oversee the activity of media outlets and promote lawsuits against journalists whose activities may violate human rights.

On May 16, a journalist from El Mercurio newspaper in the city of Manta was allegedly assaulted by police officers and taken into custody for more than an hour for refusing to hand over his camera. The journalist was covering a car accident in an area where police used tear gas to control an incident.

In June and July, during the broadcast of the Soccer World Cup matches, the Government ran a media campaign against the press, referring to media outlets as corrupt and delinquent. The campaign featured expressions such as "nobody believes them anymore" and images, such as a snake jumping out of the television screen. Several media outlets requested that the Government clarify who were the targets of the accusation. On July 9, the national legal secretary, Alexis Mera, stated that the Government was not legally obligated to respond to these inquiries.

On June 25, a nationwide government broadcast criticized Jorge Ortiz of Teleamazonas for making statements critical of President Correa during his television show on June 20. The Government required that its broadcast be shown during Ortiz's live television program on June 25. Teleamazonas later apologized for having misreported the information on which Ortiz based his comments. Ortiz's program was suspended on July 23, and he resigned from Teleamazonas on August 28.

On several occasions, crowds or individuals within crowds assaulted and yelled insults at journalists covering a protest or event. There also were a few high-profile cases of indirect censorship of the media by the Government.

President Correa regularly used his weekly radio and television address and other public appearances to criticize the media, question its competence and professionalism, and accuse it of bias, frequently naming specific reporters and outlets. Several journalists and individuals involved in local press associations reported that Correa's "systematic" verbal attacks against the media created "a hostile environment for journalists." They also noted similar behavior exhibited by other high-level government officials. Journalists stated that these attacks caused them to practice self-censorship.

On April 5, 20 editorialists of the Government-run newspaper El Telegrafo resigned, asserting that the newspaper censored content.

There were also instances of the Government using legal mechanisms to restrict the media, including use of libel laws to suppress criticism. On March 26, a judge sentenced journalist Emilio Palacio to serve three years in prison and pay a \$10,000 fine for having offended government official Camilo Saman in an article entitled "Camilo, the Bully" that was published in August 2009. Palacio appealed the decision based on a May 21 court ruling establishing that the judge who convicted

Palacio did not have jurisdiction to rule on the case. Before the appeal was resolved, Saman withdrew the charges.

Following up a May 2009 audit commission examination of radio and television frequency concessions, in August the Comptroller General's Office issued a report making recommendations; however, these reports had little effect on transmissions.

On January 20, authorities dropped charges against Giancarlo Zunino and Felix Pilco, who were arrested and detained in October 2009 on charges of "separatism," stemming from placards critical of the president that they had hung in Guayaquil.

In 2009 the Government investigated the independent television station Teleamazonas for broadcasting alleged misinformation about gas exploration on the island of Puna. The investigation resulted in a 72-hour suspension of programming in December 2009. (Teleamazonas was also sanctioned for two other broadcasts in 2009.) On February 3, Teleamazonas won an appeal before a provincial court, which ordered the Government to compensate the station for the suspension of programming. The superintendent of telecommunications appealed this decision to the Constitutional Court. On November 18, the Constitutional Court overturned the ruling of the provincial court. Teleamazonas has the right to file a new appeal.

In December 2009 the Office of the Superintendent of Telecommunications (SUPATEL) announced that the radio station La Voz de Arutam, broadcasting in Morona Santiago Province to the Shuar indigenous community, would lose its frequency rights for inciting violence during indigenous protests in September 2009 that led to the death of Bosco Wisuma, a Shuar protester. The station appealed the decision and lost. However, on January 26, the National Council of Telecommunications reversed its decision to close down the radio station and instead referred the case to the Prosecutor General's Office for a criminal investigation of four persons suspected of inciting violence over the radio (see section 2.b.).

The constitution declares the frequency spectrum a state-owned nonrenewable resource and mandates that the state receive no less benefit than the company involved in the exploitation of that resource. It prohibits oligopolies or monopolies in the ownership of means of communications and in the use of frequencies and precludes financial groups, their legal representatives, stockholders, and board members from controlling the "social means of communication" through capital and investment. It also mandates that all public and private media organizations and regulatory bodies 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 government programs on education and health issues for up to an hour per day (Mondays through Saturdays) at no charge. This law also mandates the broadcast of messages and reports by the president and his cabinet free of charge. The Government regularly asked media stations to broadcast statements by the president and other leaders, and this cut into the stations' paid programming. During police protests on September 30, the Government forced all stations to broadcast the Government channel for about six hours, which virtually eliminated all independent reporting during the crisis.

The constitution provides for the right of all persons to receive information that is true, verified, timely, contextualized, pluralistic, and without prior censorship. It also states that the law would regulate the informational, educational, and cultural content of the programming of communication outlets.

On April 20, a law on citizen participation became effective. The law requires the independent media to disclose financial information once a year if the public so requests.

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 expression of views via the Internet, including by e-mail. In September SUPATEL reported that there were three million Internet users, approximately 21 percent of the population. Internet access was widely available in larger cities, but access in the most remote locations was poor.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice, although some exceptions occurred. Public rallies required prior government permits, which were generally granted with some exceptions.

On April 30, high school student Xavier Gallardo lost his eye while protesting the increase of the price of milk. Preliminary police reports were unclear whether the cause was a police rubber bullet or a stone. In May the vice president announced

that the Government would help the student with all medical care and a prosthesis. An investigation continued at year's end.

On July 5, the prosecutor's office opened an investigation of indigenous leaders Marlon Santi and Delfin Tenesaca for clashes with police caused by protesters during demonstrations surrounding the Bolivarian Alliance of the Americas' summit in Otavalo, Imbabura Province. The case was pending at year's end.

In July a government investigation into the death of Bosco Wisuma, killed in September 2009 during a Shuar indigenous protest, found that Wisuma died of pellet wounds similar to those caused by indigenous weapons used for hunting, thereby exonerating police from the killing. A French forensics specialist conducted the autopsy with government and indigenous representatives present. Indigenous National Assembly members and leaders rejected the investigation results, claiming that police killed Wisuma and that the investigation was politically influenced. At the recommendation of the National Assembly, the Truth Commission organized two expert investigations, one ballistic and one forensic. The investigations determined that Wisuma was killed by a pellet, indicating that it was not a police bullet but rather came from the crowd of protesters.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

The Government began requiring reregistration of organizations based on a 2008 decree that provides the Government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the state, not posting the names of all of their members on a public Web site, or not providing access to information requested by the Government. Some groups found particularly onerous an interpretation that would require a ten-fold increase in the minimum asset requirement to register.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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, 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 the Government did not use it in practice.

Protection of Refugees.—The constitution recognizes the rights of asylum and refuge, including "special protection in view of guaranteeing the full exercise of their rights." The law provides for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Government reported that, from January through September, it received 24,761 applications for regular refugee status and recognized 7,577 refugees. The enhanced registration program, implemented in 2009 and part of 2010, targeted Colombian refugees for expedited registration and documentation over a 12-month period in the northern border region. Applicants rejected in either the regular or the enhanced refugee process had a legal right to appeal; after appeals are exhausted, they have 30 days to leave the country. There were reports of police detaining and attempting to unlawfully deport Colombians in the northern border region in May and June. The UNHCR confirmed two possible cases of forced repatriation from that time.

There were 52,452 recognized refugees in the country as of September. The Government and the UNHCR estimated that approximately 155,000 persons were in need of international protection by the end of the year, of whom approximately 30,000 had cases pending and the rest were not registered in the asylum process. In September the Government reported that it received 10,000 asylum requests a month.

Colombians accounted for 98 percent of asylum seekers, and the rest originated from a wide variety of countries, including Cuba, Peru, Haiti, Nigeria, Pakistan, and Bangladesh. The law provides persons granted refugee status the right to work; however, this right is not extended to asylum seekers. The law also provides recognized refugees and asylum seekers the same access to public health services as citizens. The presentation of any identity document is sufficient to provide access to

public educational institutions. However, numerous NGOs asserted that local school authorities frequently prohibited non-Ecuadorian children from enrolling in school. Various NGOs reported that the Civil Registry did not always cooperate in registering refugee children or registering children of refugees born in Ecuador, despite legal requirements to do so.

The Government provided temporary protection to individuals who may not qualify as refugees. The Government and NGOs also provided humanitarian aid and additional services, such as legal, health, education, and psychological assistance, to Colombians recorded as having crossed the border during the year. Most aid was cut off if official refugee status was denied. The Government opened new refugee offices in Guayaquil, Esmeraldas, Tulcan, and Ibarra.

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.—Elections for offices at all levels of government, including the presidency and the multiparty National Assembly, were held in April and June 2009. Organization of American States and European Union observers concluded that the elections were generally free and fair, with local irregularities, and highlighted areas for further improvement in subsequent elections. Domestic observers also observed elections throughout the country. Although the international and domestic observation teams reported no major fraud, there were some reports of missing or marked ballots, counting and vote calculation irregularities, and incidents of violence.

In 2008 voters approved a “transition regime,” which regulated the transition to the new institutional order. The interim Constitutional Court and National Court of Justice remained in place during the year. The permanent Citizen Participation and Social Control Council, an institution under the newly created Transparency and Social Control branch of government, was selected in March, and it began working on the selection of permanent government officials, a process expected to conclude in 2011.

The constitution mandated the reregistration of political organizations after the 2009 elections. On March 3, the National Electoral Council approved the required rules for reregistration. While there is no deadline for registration, in order to compete in elections, political organizations must be legally recognized at least six months prior to elections. Only two political organizations completed the reregistration requirements by year’s end.

The constitution provides for state-promoted, gender-balanced representation in the public sector, including in the lists of political parties’ candidates for the National Assembly and other representative institutions. As of December 1, there were 42 women in the 124-seat National Assembly, 12 women in the 27-member cabinet, and two female secretaries of state with the rank of minister.

There were seven Afro-Ecuadorians and indigenous persons in the National Assembly, but no Asian-Ecuadorians. There was one Afro-Ecuadorian but no Asian-Ecuadorians or indigenous persons in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank’s worldwide governance indicators reflected that government corruption was a serious problem.

There were media reports of police corruption. Labor leaders and business owners reported corruption among inspectors (see section 7.e.).

On November 17, 11 prison guards at the Center for Social Rehabilitation in Guayaquil were detained for corruption. An investigation of 52 guards found evidence that the guards allowed drug trafficking within the prison and demanded bribes from prisoners in return for security.

The National Secretariat for Management Transparency is tasked with investigating and reporting public complaints of corruption and with promoting transparent practices in the public administration. The Presidency’s Secretariat for Transparency of the Public Administration investigates corruption cases brought by the Government.

In March the Prosecutor General’s Office initiated an investigation of Juan Xavier Aguinaga, former under secretary of foreign affairs for the Ministry of the Coast Region, along with several notary publics, for alleged involvement in the illegal naturalization of Cuban citizens. On April 1, police temporarily detained Aguinaga and

two other persons. The prosecutor opened cases against 74 persons, and two notary publics were suspended. The National Secretariat for Management Transparency and the Ministry of the Interior also began investigations. In early September the foreign ministry annulled 174 naturalizations because of fraud. On November 8, press reports indicated that Aguinaga had fled the country. On December 16, police detained the director of immigration in the same investigation into visa fraud. Press reports stated that up to 2,000 visas might have been issued illegally.

In February 2009 former solicitor general Xavier Garaicoa was charged with violating public contracting and public spending laws by giving out \$10,000 bonuses to 348 employees in the Solicitor General's Office. On July 14, the National Court ordered that Garaicoa be placed in pretrial detention, but the arrest warrant was overturned before he was detained. The case was pending at year's end.

In June 2009 the media reported that companies allegedly associated with businessman Fabricio Correa, the brother of the president, had signed large public-sector contracts during the Correa administration. In September 2009 President Correa announced he would nullify all government contracts connected to companies with which his brother was allegedly involved. These companies were registered as unfulfilled contractors in the State's Public Procurement Web site; this action impedes them from receiving contracts with the state from September through November 2014, depending on the company. In July the Prosecutor General's Office rejected the accusations against Fabricio Correa in the following cases: the bidding process for the construction of the bridge over the River Paute (July 7), the signing of the contract for the construction of the road Milagro-Indanza-Gualaquiza (July 7), and the Ivanhoe case (July 28). At year's end, the Office of the Comptroller General and the National Secretariat for Management Transparency continued to investigate other cases, and citizen oversight committees examined contracts linked to companies with which Fabricio Correa is alleged to have a relationship. In response to the nullification of his contracts, Fabricio Correa leveled his own accusations of corruption against his brother's administration and maintained demands against the state for an estimated \$60 million and five criminal procedures against two government officers.

In August 2009 the multinational oil company Chevron provided Ecuadorian government authorities with secretly recorded videos it had obtained from two individuals. The company claimed the videos exposed a bribery scheme involving Juan Nunez, the presiding judge in the multibillion dollar environmental lawsuit pending against the company in an Ecuadorian court (see section 6). In September 2009 Nunez recused himself under pressure from the prosecutor general. On September 29, the National Judicial Council disbarred Nunez for breaking the law by expressing his opinion on the case before its conclusion.

On May 3, the prosecutor general requested that the National Court of Justice initiate a proceeding against two attorneys representing Chevron and seven former government officials related to allegations of fraud in an environmental remediation release agreement between Chevron and the Government. A preliminary hearing to determine if charges should be filed had not taken place by year's end. The company claimed the action was politically motivated and that previous prosecutors general had dismissed the same allegations.

On August 4, the prosecutor general requested that the National Court of Justice file charges against former minister of energy and mines Pablo Teran. The case involves accusations that Teran had benefitted financially from a pipeline construction contract with Oleoducto de Crudos Pesados. Teran claimed the case against him was politically motivated. The case was originally opened in 2003 by the Prosecutor General's Office to investigate the allegations, but was suspended in 2005 for lack of evidence. The prosecutor general reopened the investigation in April 2008. The court had not filed charges against Teran by year's end.

Fraud charges remained pending against former minister of sports Raul Carrion for contracting irregularities in the construction of a stadium in Morona Santiago Province. On July 5 and September 23, the prosecutor general filed two new embezzlement charges. Carrion had three cases pending against him at year's end.

The constitution states that all persons have the right to access information gathered by public or private organizations receiving state funds. It further requires that the information be available in the native language of the citizen. The law requires all organizations (public and private) that receive public funds to respond to written requests for information; publish specific information on their Web site; and submit an annual report to the Ombudsman's Office that details their compliance with the transparency law. Personal information about individual citizens and information regarding national security are excluded from the transparency law requirements. Government officials are required to declare their financial holdings upon taking office and if requested in an investigation, and all agencies must disclose salary infor-

mation annually. As a result, government agencies increasingly put budget information, functions, organizational information, lists of government officers, and official notices on the Internet in addition to responding to written requests.

An NGO that monitored the implementation of this law found that compliance with some of the law's requirements improved dramatically. According to the NGO Citizen Participation, in 2009 only 36 percent of the organizations surveyed complied with the requirements to publish information on their Web page. During the year, 72 percent of those same organizations complied with the Web site requirements. Despite this improvement, there were still some compliance problems, especially with respect to submission of annual reports to the Ombudsman's Office. In June, Fernando Gutierrez, the interim ombudsman, stated that only 470 entities out of 4,800 had submitted the required annual report detailing their compliance with the law.

Section 5. 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 recommendations.

The Ombudsman's Office focused on human rights problems. The constitution describes the Ombudsman's Office as an administratively and financially independent body under the Transparency and Social Control branch of government. As of June, the office had 65 lawyers and regularly presented cases to the prosecutor's office, but with limited success. In 2008 the Constituent Assembly appointed an interim ombudsman, who served pending appointment of a permanent ombudsmen through a process managed by the Citizen Participation and Social Control Council.

On June 5, the Truth Commission established by the Government in 2007 issued its final report. The commission investigated human rights violations committed from 1984 to 2008, with a focus on violations under the Government of Leon Febres Cordero (1984-88). The commission reported that, during Febres Cordero's government, illegal arrests, acts of torture, extrajudicial executions, and forced disappearances were carried out in a systematic and generalized manner and that human rights violations continued during subsequent administrations (between 1988 and 2008). The report stated that, over the 24 year period, 456 individuals were victims of human rights violations, 78 percent of which occurred in the Febres Cordero period.

The Truth Commission identified 458 individuals allegedly responsible for crimes against humanity. The commission requested investigation, trial, and punishment against those found responsible. The commission also recommended the implementation of an administrative program dedicated to reparations. The commission's mandate was extended through December to help implement its recommendations.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous persons, Afro-Ecuadorians, and gay, lesbian, bisexual, and transgender persons continued to face discrimination.

Women.—Although the law prohibits violence against women, including within marriage, abuses were widespread. On March 8, the Ombudsman's Office released a report stating that approximately 83,000 women annually suffered some sort of violence or abuse. The report also noted that 7,000 women were assaulted monthly and that more than 200 women were victims of some sort of violence on a daily basis.

The law criminalizes rape and provides penalties of up to 25 years in prison. Under family law, spousal rape is considered a type of violence and may be prosecuted under the criminal code. The penalty for rape where death occurred is from 16 to 25 years' imprisonment. The prosecutor general received reports of 4,045 rapes from January to November, with 329 convictions and 87 acquittals. Many rapes were not reported due to the victim's reluctance to confront the perpetrator.

The most pervasive violations of women's rights involved domestic and sexual violence. Although prohibited by law, both were widespread and vastly underreported. The Ministry of Interior's Office of Gender reported, based on partial reports it had received as of December 2009, a total during the year of 63,837 cases of sexual, psychological, or physical mistreatment of women. Although authorities referred many women who reported domestic abuse or sexual crimes to the judicial system, cultural prejudices, financial dependence, family pressure, and the victim's fear of testi-

fyng at a trial contributed to a large number of charges against perpetrators being dropped.

In April the Government initiated a campaign against sexism titled *React Ecuador, Sexism is Violence*, which sought to eradicate gender violence by improving the justice system, protecting victims of violence, and raising awareness of violence against women as a human rights violation. A study published by the campaign indicated that in 2009 approximately 64 percent of deaths among women were due to gender-based violence. According to the campaign, 80 percent of women experienced physical, psychological, or sexual violence.

Governmental joint service centers provided assistance on legal issues, social and medical assistance, and police protection free of charge to victims of domestic and gender violence. According to family law, domestic violence may be punished with a fine for "damages, pain and suffering" ranging in value from \$320 to \$4,800, depending on the severity of the crime. The law also gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse. In 2009, 31 government centers for women received almost 73,000 complaints.

The constitution provides for courts specializing in women and family issues. These courts, under the judicial branch, have the power to authorize restraining orders prohibiting the abusive spouse from approaching the victim or the victim's place of employment or study and from persecuting or intimidating the victim or any family member; to reinsert the victim into the family home, if shared, while simultaneously removing the abusive spouse from the premises; and to order any treatment deemed beneficial to the affected family.

The constitution affords women an array of benefits in the economic, political, and social areas. The law stipulates that the Government should formulate and implement policies to achieve gender equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector.

Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. Between January and June, the national police received 325 reports and complaints of sexual harassment.

The law acknowledges sexual and reproductive rights, including the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. The Free Maternity Care Law protects the sexual and reproductive rights of women and calls for free prenatal care, family planning services, and cancer screening. The law also promotes a role for men in care giving by providing paternity leave of up to 10 days. During the year the Ministry of Health's budget for applying the law was \$27 million. According to statistics from the Population Reference Bureau, 69 percent of women had skilled attendants present during childbirth in 2009. The Ministry of Public Health stated that only 30 percent of births to self-identified indigenous mothers took place in hospitals or health centers. The UN Population Fund estimated that the maternal mortality rate in 2008 was 140 deaths per 100,000 live births.

The 2005 National Demographic and Maternal Health Survey (the latest available information) reported rural and urban contraceptive prevalence rates of 67 percent and 77 percent, respectively. The Population Reference Bureau reported in 2009 that more than 36 percent of modern contraceptive method users received these services through government-sponsored programs.

The Government continued to implement a national HIV/AIDS program begun in 2009 to prevent mother-to-child transmission of the disease and provided free screening for all women. Information was not available on whether women were equally diagnosed and treated for sexually transmitted infections, including HIV; however, women may receive more screening than men, since 84 percent received antenatal care according to the Population Reference Bureau.

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 enjoyed the same legal status as men, women often did not receive equal rights in practice. According to the World Economic Forum's 2010 Global Gender Gap Report, for example, women received approximately 61 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. Little reliable data existed regarding the situation of women within the tightly knit indigenous communities.

Children.—Citizenship is acquired either through birth in the country or by birth to an Ecuadorian mother or father abroad (until the third generation). A registra-

tion campaign by the Social Registry, the Ministry of Social and Economic Inclusion, and the Child and Family Institute called Put Your Name Down registered approximately 60,000 children throughout the country during the year. In 2009, according to the Observatory of the Rights of Children and Adolescents, there were 300,000 unregistered children in the country. Health centers and hospitals had the ability to register births at their facility, so all children born in hospitals should be registered shortly after birth.

In May newspapers reported an excessive demand for civil registration by parents whose children needed to be registered in order to enroll in public schools. Although the law prohibits this requirement, some schools set their own requirements. President Correa threatened legal action against schools requiring civil registry documents and ordered the education minister to investigate. Other government services, including welfare payments and free primary health care, require some form of identification.

The constitution requires a minimum of 15 years of schooling. The Ministry of Education reported that most children achieved a sixth-grade education; however, in some provinces, public schools denied entry to students due to the lack of space. By law, education was free through high school, but additional costs, such as for uniforms and books, and a lack of space in public schools prevented many adolescents from attending school.

There were reports of abuse against children. According to the Government, 21 percent of children had suffered some form of sexual abuse. Projects sponsored by local NGOs reported that children living in the streets suffered exploitative conditions. In the last two decades there was an increase in abandoned children and teenage mothers in the streets or hospitals. Most of these abandoned children came from poor indigenous families.

Commercial sexual exploitation of minors remained a problem. The law prohibits child pornography, with penalties of six to 16 years' imprisonment. The law covers statutory rape where the age of consent is 14. The penalty for statutory rape is 16 to 25 years' imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. There was a small Jewish community, including an estimated 250 families in Quito, according to the local synagogue.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 and public transportation for persons with disabilities, the Government did not fully enforce it.

The constitution extends benefits to persons with disabilities, particularly in the areas of education, employment, and access to social security. The law requires that percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. On May 8, Vice President Lenin Moreno stated that government agencies were fully compliant with the law and that private companies would face stiff fines for noncompliance. According to government information, only 35 percent of the 1,532 audited companies complied with this law. Through the beginning of June, nine companies were fined a total of \$600,000 for not complying with the law.

An initiative called Ecuador without Barriers, led by the vice president, helped create an unspecified number of jobs for persons with disabilities, provided funding to more than 200 municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also created a record to show the degree of compliance by companies that hire persons with disabilities. In addition to this program, the Government was building centers for those considered intellectually disabled.

The vice president also led an initiative to conduct a census, registry, and survey of living conditions of persons with disabilities. As of early December, the initiative had registered 294,166 persons with disabilities nationwide. In addition, the caregivers of persons with severe disabilities received a government subsidy equivalent to the minimum monthly wage. In 2009 the municipality of Guayaquil, the country's largest city, passed a regulation requiring all businesses and public institutions to

improve access for the disabled and the elderly. Also in 2009, seven municipalities located in areas of high risk of natural disasters finished developing guidelines for the rescue and assistance of persons with disabilities during and following a disaster.

National/Racial/Ethnic Minorities.—Afro-Ecuadorian citizens, who account for approximately 3 percent of the population, suffered pervasive discrimination, particularly with regard to educational and economic opportunity.

Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping continued to affect them. For example, they continued to assert that 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, except for the Municipality of Quito, which in 2008 prohibited private and public institutions in Quito from accepting curriculum vitae with pictures.

The Corporation for the Development of Afro-Ecuadorians (CODAE) noted that Afro-Ecuadorians still lacked access to basic education. CODAE stated that the school registration rate for Afro-Ecuadorian children was 87 percent, below the national average. A national survey by CODAE revealed that high levels of racism and discrimination against minority groups persisted and that 88 and 71 percent of Afro-Ecuadorians and indigenous persons, respectively, had been victims of racism and discrimination.

The constitution declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the right of indigenous, Afro-Ecuadorian, and Montubio (a rural, farming population recognized as an independent ethnic group) communities to restitution for acts of discrimination. It also mandates affirmative action policies to provide for the representation of minorities. A 2009 executive decree calls for all public-sector bodies to ensure that “access to labor” reflects the percentage of the population of indigenous persons, Afro-Ecuadorians, and Montubios.

Indigenous People.—An estimated 7-30 percent of the population maintained their indigenous cultural identity and lived in indigenous communities. The vast majority of indigenous citizens resided in rural areas, including the highlands and Amazonian provinces. Despite their political influence and advocacy efforts of grassroots community groups, indigenous persons 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 literacy rate among the indigenous population was approximately 72 percent.

The constitution strengthens the rights of indigenous persons; it declares the state plurinational, recognizing Kichwa and Shuar as “official languages of intercultural relations,” and specifically recognizes indigenous justice. However, the lack of a clearly defined relationship between indigenous justice and the regular justice system led to a number of legal conflicts between the Government and indigenous leaders. According to press reports, there were 18 cases of indigenous justice during the year.

The law also recognizes the rights of indigenous communities to hold property communally. Land in many cases is titled to the indigenous community. In other cases, indigenous groups managed a reserve that the Government set aside for biodiversity protection. Although indigenous persons have the same civil and political rights as other citizens, some of their leaders reported discrimination and prosecution.

The constitution grants indigenous persons and communities the right to be consulted and participate in decisions about the exploitation of nonrenewable resources that are located in their lands and that could affect their culture or environment. In May indigenous organizations opposed a government project to regulate water resources by participating in protests in different parts of the country. In one of those protests, two indigenous persons and 11 police officials were injured. Indigenous groups claimed that newly passed or proposed laws covering mining, water resources, and hydrocarbon resources did not take indigenous viewpoints sufficiently into account and furthermore intruded upon indigenous autonomy over their lands and resources. According to an April ruling by the Constitutional Court, the Na-

tional Assembly must consult with affected communities on water issues before the legislature can vote on the draft laws.

The constitution allows indigenous persons to participate in the benefits that projects may bring and to receive compensation for any damages that result. It mandates, in the case of environmental damage, immediate corrective government action and full restitution from the responsible company, although some indigenous organizations asserted a lack of consultation and remedial action.

An environmental lawsuit brought by certain indigenous communities against the multinational oil company Chevron was pending at year's end under the jurisdiction of the Sucumbios Provincial Court (see Section 4). The lawsuit, which was filed in Ecuador in 2003, is a continuation of a lawsuit originally launched in 1993 in the United States for damage allegedly caused by oil production activities of Texaco (later purchased by Chevron) prior to its 1992 departure from Ecuador. The plaintiffs, representing 30,000 indigenous persons who claimed that their health, welfare, and livelihoods were affected by environmental damage caused by Texaco, revised their damages estimate from \$27 billion up to \$113 billion in September 2010.

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. Settlers, including those from other indigenous groups, 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. Small-scale mining, often on the part of indigenous communities themselves, also contributed to serious environmental damage.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity—The constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Transsexual persons have the right to identify themselves by their chosen gender on their national identification cards, according to a court case in Pichincha Province. Although the law prohibits discrimination based on sexual orientation, gays, lesbians, transgender persons, and transvestites continued to suffer discrimination from both public and private bodies.

Lesbian, gay, bisexual, and transgender (LGBT) organizations reported no incidents of violence perpetrated by police or other government agents towards their organizations. Such groups organized multiple gay-pride marches in the preceding decade, including one in Quito on July 4, with the authorization of pertinent authorities and received police protection. An LGBT film festival was organized in six cities in September. However, LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there is suspicion that the killing was because of sexual orientation.

Societal discrimination was present. Members of the LGBT community continued to report that their right of equal access to formal education was violated frequently. The LGBT population involved in the sex industry reported abusive situations, extortion, and mistreatment by security forces but did not file or press charges in the Office of the Public Prosecutor.

Other Societal Violence or Discrimination.—The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against persons with HIV/AIDS; however, NGOs reported that individuals with HIV/AIDS believed they were discriminated against, including on issues such as equal employment opportunities and access to appropriate health care.

Section 7. 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. There were a number of cases reported in which workers were fired for union activities, despite the law. 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 1–3 percent of the workforce was organized.

The constitution terms worker rights “irrevocable;” it provides for the right to unionize and to strike (except in instances which might cause “paralysis” in strategic sectors) and commits state support for democratic unions. The worker-rights provisions in the constitution require the adoption of additional implementing laws.

The law does not require reinstatement of workers fired for union activity but does require compensation and fines.

The law prohibits the majority of public-sector employees from joining unions or exercising collective bargaining rights. Under the law, employees that fall into the

technical, administrative, or professional categories may not join a union or bargain collectively. Most public employees maintained membership in a labor-sector association, but such associations are not allowed to strike or bargain collectively. The labor code and the constitution require workers in state enterprises to be represented by a single labor union.

The law does not provide the majority of public workers with the right to strike. Public-sector employees in strategic sectors may not take any action that paralyzes those sectors, including striking. The constitution designates health; environmental sanitation; education; justice; the fire brigade; social security; electrical energy; drinking water and sewerage; hydrocarbon production; the processing, transport and distribution of fuel; public transport; and post and telecommunications as strategic sectors. Some of the sectors defined as strategic exceeded the International Labor Organization (ILO) standard for essential services.

The law includes a provision that striking public-sector workers are liable to between two and five years in prison. The ILO has noted repeatedly that this law could lead to compulsory labor as punishment for participation in peaceful strikes, a violation of international labor standards.

There were 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 Relations 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. 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 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.

In January, 19 employees were summarily dismissed, with the approval of the Ministry of Labor, from an electricity generating company in Guayaquil for interrupting services to the public and "insulting the majesty of the president" as a result of protests in 2009. The employees were charged with sabotage and terrorism, but the charges were dismissed by the prosecutor on March 29, a decision confirmed by a judge on May 30. In October the workers went to the Labor Commission of the National Assembly to demand reinstatement and hired lawyers to fight for their case.

On July 29, the Provincial Court of Justice overturned the tripartite commission's ruling in favor of the union in a 2009 case involving striking workers at a tire manufacturing company. On September 23, the company, workers, and the Ministry of Labor Relations reached an agreement. On September 29, the company fired 120 former strikers (the strike had officially ended); the firings were declared legal by the Ministry of Labor Relations so long as the appropriate severance payouts were made. The workers protested the firings and were attempting to be reinstated at the end of the year.

The constitution prohibits the use of outsourcing and of discriminatory criteria in hiring. Outsourcing includes subcontracting, third party, and hourly contracts. The law grants an exemption for outsourcing services that are not an integral part of the company's productive processes. Public sector enterprises may subcontract for certain technical workers with the Ministry of Labor's approval. The law permits part-time contracts, but only with full-time employee benefits.

The new Public Service Law expanded the definition of workers classified as technical and administrative workers and subject to the Civil Service and Administrative Career Law (LOSCA) rather than the labor code. Workers who fall under LOSCA have limited rights to collective bargaining and freedom of association. Also, those who work in strategic sectors are not legally permitted to strike, although they may participate in collective bargaining negotiations.

Individual workers may take complaints against employers to the Labor Inspection Office if they are still employed by the firm or to courts charged with protecting labor rights if they are no longer employed by the organization. Unions may also take complaints to a tripartite (union, employer, government) arbitration board established to hear these complaints.

b. The Right to Organize and Bargain Collectively.—All private employers with 30 or more workers belonging to a union are required to negotiate collectively when the union so requests. However, the law requires a minimum of 30 workers for the creation of associations, work committees, or assemblies to organize work committees,

and does not allow foreign citizens to serve as trade union officers. The ILO considered these requirements impediments to the right to organize. According to the International Confederation of Trade Unions, to form a works council, the approval of 50 percent plus one of the workforce is required. If the works council had more members than the union, the union would have no bargaining power in the workplace.

Collective bargaining agreements covered only 140,000 workers of the total workforce of 4.3 million. 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.

The law prohibits the dismissal of workers from the moment a union notifies the labor inspector of its general assembly until the formation of its first executive board. However, labor leaders have reported many cases in which employees were fired after the employers were notified of the formation of the union. Even if the workers win a legal case against the employer, the law does not require reinstatement, only a fine, which is limited to between \$50 and \$200.

There is special legislation regulating labor in export processing zones. Most workers in export processing zones are hired on temporary contracts, and, while technically covered by the labor code, enforcement of the code was weak.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were subjected to forced labor. Children were exploited (or forced to work) as street vendors or domestic servants. In June the UN special rapporteur on contemporary forms of slavery reported adult forced labor in the palm oil industry and among domestic workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the 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, especially in informal sectors. According to the UN special rapporteur on contemporary forms of slavery, child labor continued to be an obstacle to the development of the country. Areas in which child workers were most likely to be found were banana plantations and garbage dumps. Children also worked in the production of broccoli, sugarcane, and strawberries. They were also involved in brick-making and small-scale gold mining.

Forced child labor took the form of involuntary domestic work, forced begging, and forced labor in mines. Also, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The labor code, the child and adolescent code, and the 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 jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in agriculture, mines, domestic work, garbage dumps, slaughterhouses, or in jobs requiring exposure to toxic or dangerous substances or loud noises. The law requires employers to pay minors the same wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of \$50 to \$300 for parents or guardians and fines of \$200 to \$1,000 for employers hiring children less than age 15. An employer's business is subject to closure for repeated infractions.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal enforce child labor laws, but enforcement, while improving, was not fully effective. The 2006 National Institute of Statistics and Census's Child Labor National Survey (the latest available information) found that 367,000 children between the ages of five and 14 were engaged in labor not permitted by law, primarily working in rural areas or in the informal sector, compared with 550,000 in 2001. UNICEF estimated the number of child laborers at around 340,000. From January to May, the National Directorate of Police for Children and Adolescents received 75 reports of child labor, the majority for forced begging.

In March the Government combined the child labor inspectors with the regular labor inspections force. The force of approximately 110 inspectors is in charge of enforcing all labor laws, including those for child labor. In addition, the Ministry of Mines and Energy had an agreement with the Ministry of Labor Relations that allowed Ministry of Mines' inspectors to enforce child labor laws and impose sanctions for violations found in mines. During the year over 2,000 children were removed from different sectors working in conditions that violated labor laws.

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 the age of 15 worked in family-owned businesses in the informal sector, shining shoes, 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 augment family income.

In March the Government announced a program, Ecuador without Child Labor, aimed at eliminating all forms of illegal child labor. The UN Committee on the Rights of Children in January noted the amendment regarding the minimum age of 15 and the National Plan for the Prevention and Progressive Elimination of Child Labor. Nevertheless, it expressed concern that many children were still performing harmful work, such as domestic work with characteristics of slavery, and executing dangerous tasks around garbage dumps, banana plantations, and within the small-scale mining industry, including forced labor. In most of these cases, children did not attend school or receive any type of education. In December the Government announced that it had practically eradicated child labor in garbage dumps, reducing the number of children working there from around 2,000 to only 29.

e. Acceptable Conditions of Work.—The constitution mandates an annual revision of the minimum wage to match the cost of a family's basic needs. The National Council on Salaries, a technical agency under the Labor Ministry, acted as the negotiating and arbitration arm. On January 15, the minimum monthly wage was raised from \$218 to \$240. The statutory minimum wage did not provide a decent standard of living for a worker and family. The basic national shopping basket cost approximately \$535 a month per household. The Ministry of Labor Relations enforced the minimum wage. Most organized workers in state industries and formal-sector private enterprises earned substantially more than the minimum wage and 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.

A campaign, Decent Domestic Employment, was launched on March 19 by the Ministry of Labor Relations to educate domestic employees and employers about labor laws, including the need for a contract, registration of the employee with the Ecuadorian Social Security Institute (IESS), and the payment of the minimum wage, two bonus-month salaries, and social security taxes. The campaign also included a registration drive for the IESS and nationwide inspections by the Ministry of Labor Relations to confirm the legal employment of domestic workers.

The law limits the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. Underground workers, such as miners, are limited to six hours a day and may only work one additional hour a day with premium pay. Premium pay is 1.5 times the basic salary for work done from 6:00 a.m. to 12:00 a.m. Work done from 12:00 a.m. to 6:00 a.m. receives twice the basic salary, although workers whose standard shift is at night receive a premium of 25 percent. Premium pay also applies to work done on weekends and holidays. Overtime is limited to no more than four hours a day and a total of 12 hours a week. Mandatory overtime is prohibited. Foreign and migrant workers are subject to the same labor standards. Violators are subject to fines and other legal action.

The constitution provides for the health and safety of workers and there are health and safety standards in the labor code, to be enforced by the Ministry of Labor Relations and the Social Security Department of Hazards. In the formal sector, occupational health and safety was not a significant problem. There were no specific regulations governing health and safety standards in the small-scale agricultural sector. The labor code singles out the health and safety of miners; however, there was no enforcement of safety rules in the small mines that made up the vast majority of enterprises in the mining sector.

The Ministry of Labor Relations did not deploy sufficient resources to enforce labor laws, and violations were common. Workers do not have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

Labor inspections may be conducted by appointment, although this was uncommon, or after a worker complaint. If a worker requests an inspection and a Ministry of Labor Relations inspector confirms a workplace hazard; that inspector then may close down the workplace. Inspections also occurred after other types of labor complaints. Labor inspections generally occurred because of complaints, not as a preventative measure. In some cases, violations were remedied, but other cases were subject to legal challenges that delayed changes for months. Various NGOs claimed that complaints by certain classes of workers, such as migrants and refugees, were rarely investigated. Labor leaders and business owners also claimed corruption was common among the inspectors. During the year the Ministry of Labor Relations began implementing a series of reforms aimed at improving labor rights enforce-

ment, including in labor inspections. For example, labor inspectors were assigned functional areas, such as layoffs and compensation issues; a new electronic system helped significantly reduce the wait for an appointment for a hearing with an inspector.

If a worker is fired after filing a complaint and the complaint is found to be valid, the worker is eligible to receive severance pay. A company is liable for medical care and compensation to a worker injured through noncompliance with safety standards. The Government admitted the number of on-the-job injuries was seriously underreported in the country. According to the IESS, the Ministry of Labor Relations, and the Ministry of Health, approximately 15,000 on-the-job injuries were reported each year. The ILO estimated the number should be approximately 160,000. Violations were reportedly common in the banana, palm oil, flower, and gold-mining industries, particularly involving exposure to toxic chemicals.

The UN special rapporteur on contemporary forms of slavery reported severe abuses and little government oversight in the palm oil industry, where many workers were Colombian migrants. The abuses included excessive work hours, very low or no wages, and inhumane living conditions. Additional abuses were found in the banana, flower, and small-scale gold-mining industries.

The 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 6.1 million. In March 2009 voters elected Carlos Mauricio Funes Cartagena of the Farabundo Marti National Liberation Front (FMLN) as president for a five-year term in generally free and fair elections. Security forces reported to civilian authorities.

Human rights problems included isolated unlawful killings by security forces; harsh, violent, and overcrowded prison conditions; lengthy pretrial detention; high levels of impunity for crime and abuse of official authority; official corruption; violence and discrimination against women; child abuse and forced child prostitution; trafficking in persons; violence and discrimination against sexual minorities; child labor; and inadequate enforcement of labor laws.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no verified reports that the Government or its agents committed 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) received eight complaints of alleged unlawful killings by the National Civilian Police (PNC), three killings by the Prison Authority, and two killings by the armed forces. Although the PDDH defines all killings by government entities as “extrajudicial killings,” there were no verifiable reports of deliberate unlawful killings carried out by order of the Government or with its complicity. The PNC Office of the Inspector General (OIG) reported that through December, 20 PNC officers were accused of homicide and that PNC officers had killed 14 persons.

On September 21, a court convicted three of the six gang members implicated in the June 2009 killing of community activist Marcelo Rivera of murder and sentenced them to 40 years in prison; the other three received three-year sentences as accessories.

The Office of the Attorney General (Fiscalia or OAG) continued to investigate the September 2009 killing of Roque Feller Melgar, a former legislative deputy for the Christian Democratic Party and mayoral candidate for the National Republican Alliance (ARENA) party. Four suspects have been identified, but no arrests have been made.

Authorities believed that the December 2009 killings of Ramiro Rivera Gomez and Dora Santos Sorto Rodriguez were related to an interfamilial feud. Nine purported gang members were arrested for the killings.

There was no further information regarding the 2008 fatal shooting of Rafaela Hernandez Delgado while she was riding a public bus.

On April 30, the Third Court of Instruction in San Miguel recommended dismissing charges against Shefick Cruz Vasquez and Edilberto Paiz Morales, who

were accused of the 2008 killing of Garcia Amaya. The court convicted two other PNC officers, Sergeant Nelson Arriaza Antonio Carlos Delgado and Agent Chevez Geovanny Hidalgo, for the murder, dismissed them from the PNC, and sentenced them to 40 years in prison.

The OAG's 2008 appeal of the Supreme Court's acquittal of Edwin Rene Sanchez Canjura for two counts of murder and 17 counts of attempted murder, in relation to the 2006 killings of two police officers remained pending.

In November 2009 authorities dismissed charges against Rosa Elba Zelaya de Ortiz for the 2004 murder of teamster union activist Gilberto Soto. Santos Sanchez, also charged with the murder, remained at large with a warrant for his arrest.

There were no new developments regarding the 2008 Hector Ventura murder case.

On March 24, President Funes on behalf of the Salvadoran State publicly asked for forgiveness for the killing of Monsignor Oscar Arnulfo Romero in 1980. Funes stated that the amnesty law approved after the civil war was not an obstacle to investigating the killings of Monsignor Romero or of six Jesuit priests in 1989. Funes also stated that his government would not promote the annulment of the amnesty law, as requested by the Inter-American Commission on Human Rights (IACHR). On November 18, the IACHR notified the Government that it had accepted the case of the extrajudicial killings of Rufino and Teresa Ramirez.

On May 21, the Supreme Court Constitutional Chamber denied a judicial request for information from a Spanish court on the 1989 murder of six Jesuit priests; the decision was based on the 1992 amnesty law and statute of limitations.

b. Disappearance.—There were no reports of politically motivated disappearances. On January 16, President Funes publicly asked families of citizens who disappeared during the civil war to forgive the actions of the Government, and created the National Commission for the Search for Disappeared Children. The commission, which is to cooperate with and recognize cases brought forward by the nongovernmental organization (NGO) Association for the Search for Missing Children (Pro-Busqueda), was sworn in on August 31. Pro-Busqueda received 28 new complaints regarding children who disappeared during the civil war, continued investigating 519 cases, and resolved nine other cases by year's end.

In July the Human Rights Institute of the University of Central America (IDHUCA) filed a complaint before the Inter-American Court of Human Rights, alleging that the Government failed to act on a request by the IACHR to investigate the disappearances of six children from 1981 to 1983: Gregoria Herminia, Serapio Cristian, Julia Ines Contreras, Jose Ruben Rivera, and Ana Julia and Carmelina Mejia Ramirez. Pro-Busqueda presented evidence to the court on October 13. On September 22 and in November, the IACHR notified the Government that it had accepted the cases of the alleged disappearances in 1982 of Patricia Emilie Cuellar Sandoval, Mauricio Cuellar Cuellar, Julia Orbelina Perez, Natividad de Jesus Ramirez, Guadalupe Roble, Jose Elias Ramirez, and Jorge Alberto Ramirez.

In November 2009 the IACHR heard the Government's response to Pro-Busqueda's complaints, alleging the forced disappearances of Santos Ernesto Salinas and Emelinda Lorena Hernandez in 1981 and of Manuel Antonio Bonilla and Ricardo Ayala Abarca in 1982. The cases remained pending awaiting a response from the Government.

In 2008 the Supreme Court rejected the OAG's appeal of a lower court's 2008 dismissal of charges against Juan Antonio Lopez, the western regional chief of the Office of the Public Defender in relation to the kidnapping of a 12-year-old boy.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, through December the PDDH received 558 complaints alleging the use of excessive force or mistreatment of detainees, compared with 562 such complaints during 2009. The PDDH received 57 complaints specifically against PNC officers for excessive use of force, 10 against members of the armed forces, and three against prison authorities. It also received 46 complaints of torture against PNC officers, five against members of the armed forces, and nine against the prison authorities. The OIG reported 13 complaints of torture by PNC officers through August but did not report if any were punished. The PDDH reported allegations that women were raped by male guards in pretrial detention centers. The OIG reported three complaints of rape by PNC officers, all of whom were sanctioned.

On August 9, authorities arrested PNC Officer Juan Fidel Salazar Castaneda for raping a 14-year-old girl in the Metapan police station on August 7 after she had escaped from a National Children's Shelter. The case was presented to a disciplinary court on November 15 and was pending decision at year's end.

In July 2009 on-duty PNC officers Jose Juan Cruz Carias and Julio German Garcia Herrera were arrested for raping a woman in custody in the Montserrat police station. The OAG reported the officers were cleared of all charges due to a lack of cooperation by the victim.

On January 14, authorities dropped the charges in the 2008 case of the alleged police beating of Abraham Kattan.

Prison and Detention Center Conditions.—Prison and detention center conditions remained harsh and dangerous. Overcrowding constituted a serious threat to prisoners' health and lives. In many facilities there were inadequate provisions for sanitation, potable water, ventilation, temperature and lighting. On October 20, the IACHR called prison conditions deplorable, stating that there were construction deficiencies that led to safety hazards, a lack of sanitation and potable water that led to a high incidence of disease, and a lack of opportunity for children to visit in some prisons.

Prison authorities reported that 57 prisoners died during the year due to natural causes, homicide, and suicide. As of December there had been 11 riots, resulting in three deaths.

On November 10, a fire killed 27 inmates at a youth detention center in Ilobasco. An investigation by the OAG of charges of negligence by the guards in not extinguishing the fire continued at year's end.

On July 19, Ombudsman for Human Rights Oscar Luna stated that corruption and the lack of judicial decisions to use alternatives to imprisonment (fines, bail release, and others) had increased overcrowding in prisons.

The prison authority reported that as of December, there were 24,283 prisoners held in 19 correctional facilities and two secure hospital wards, with a combined designed capacity for 8,080. As of August there were 781 inmates in four prisons for juvenile offenders and in one prison for juveniles becoming adults during their sentence with a total capacity of 750 inmates. Due to a lack of holding cells, pretrial detainees were often held in regular prisons together with violent criminals.

Gang activities in prisons and juvenile-holding facilities remained a serious problem. Of the total population in detention center facilities, 8,406 adult and 394 juvenile inmates were current or former gang members. Gang members were 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 cell phones and cell phone chips was a major problem in the prisons. In August 2009, as a means to combat increased inmate extortion using cell phones, authorities continued body cavity searches of prisoners, instituted in 2009, to detect cell phones. Additionally, President Funes ordered the armed forces to reinforce the perimeter security of the prisons holding the most dangerous criminals.

Authorities sanctioned prison staff suspected of corruption and arrested others on other charges, including rape, robbery, and assault, although not necessarily in relation to their work duties.

Prisoners and detainees had reasonable access to visitors and were permitted to participate in religious observance.

Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prison authorities investigated such allegations, although investigation results were not always documented in a publicly accessible manner. Through December the PDDH received six complaints against prison guards from inmates. Through December, the prison authority received 49 formal complaints from inmates and 213 from family members.

The Government investigated and monitored prison and detention center conditions, and 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 detained persons. The PDDH reported receiving 228 complaints of arbitrary arrest or detention and 143 complaints of illegal detentions during the year.

Role of the Police and Security Apparatus.—The PNC is responsible for maintaining public security and the Ministry of Defense for maintaining national security. President Funes authorized the military to provide temporary support of indefinite duration for PNC patrols in rural and urban areas and gave support to law enforcement agencies for specific activities, including antinarcotics and antigang efforts. The Ministry of Public Security headed the antigang task force. In 2009 military personnel were deployed to join the police on patrols and antigang and other task

forces, and in May military personnel were assigned to assist in guarding the prison system. As of December 3,676 military personnel were assigned to assist the PNC, 1,553 to the Prison Authority, and 694 to the border patrol. Military personnel do not have arrest authority. The Government has not indicated a concluding date for the temporary assignment of the military to police duties.

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. During the year the OIG had received 2,690 complaints of alleged police misconduct, referred 73 cases of these to special investigation units, and sanctioned 1,127 officers in response to complaints filed during the year and prior years. These sanctions included 133 officers dismissed for misconduct and 583 suspended without pay for minor and serious infractions.

On September 14, the conservative parties in the Legislative Assembly approved a special committee to investigate PNC Inspector General Zaira Navas. Committee members charged that the OIG selected only high-ranking PNC officials appointed by prior conservative governments for her investigation. President Funes supported the OIG.

The OIG 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. During the year the PNC Human Rights Unit trained 1,302 police officers on general human rights topics. There was additional training of 91 police officers, 30 prosecutors, 14 judges, five prison officials and 31 officials and technical advisors, including workers in the immigration, customs, public safety and airport authorities, included human rights awareness components.

Arrest Procedures and Treatment While in Detention.—The constitution requires a written warrant for arrest, except in cases where an individual is arrested in the act of committing 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 grants detainees the right to a prompt judicial determination of the legality of their 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. The bail system functioned adequately in most cases. 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 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. As of August within the prison population there were 8,163 individuals 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, political infighting, 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. The criminal conviction rate was less than 5 percent. An ineffective public security strategy, inadequate government funding and training of the PNC, and ineffective senior-level leadership made it difficult to identify, arrest, and prosecute perpetrators of human rights abuses and other crimes, thus diminishing public confidence in the justice system. Intimidation and killing of police officers, crime victims and witnesses created a climate of fear complicating investigation of violent crime and alleged human rights abuses.

The Ministry of Justice's Witness Protection Program operated witness and victim protection programs that provided protection during the year to 3,151 persons, of whom 149 were protected under extraordinary measures. The PNC provided protection to 104 persons during the year. Nonetheless street gang intimidation and violence against witnesses contributed to a climate of impunity from criminal prosecution.

On July 28, a judge of the First Court in Zacatecoluca ordered a preliminary hearing against Carlos Antonio Miranda Gonzales in connection with the high-profile 1999 kidnapping, rape, and murder of nine-year-old Katya Miranda, his granddaughter and the niece of a former senior PNC officer. A date for a public hearing remained pending at year's end.

During the year the PDDH received 43 complaints against the OAG, including prevention of access to justice in 20 cases, violation of due process in seven cases, and failure to protect constitutional rights in seven cases.

The OAG reported that the cases of Jose Israel Bonilla Granados and Wilfredo Antonio Reyes Martinez, members of the Los Perrones narcotics and human-trafficking organization, which is associated with two judges who made controversial decisions in the prosecutions of Los Perrones, remained pending. The judges were recused from the case in 2009.

Through August the OAG investigated four judges and two magistrates for alleged misconduct. As of September these cases remained under investigation. During the year the Supreme Court received 160 complaints against judges for alleged irregularities and sanctioned three judges for improper conduct. Also during the year, the OAG investigated 177 complaints against prosecutors for misconduct, compared with 261 complaints during 2009; the investigations resulted in the dismissal of 13 prosecutors and suspensions of 34 others for corruption and other serious infractions.

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, freedom from coercion, access for defendants and their attorneys to government-held evidence relevant to their cases, 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. The law extends these rights to all citizens.

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

Regional Human Rights Court Decisions.—As of August the Government had not responded to the Inter-American Court of Human Rights' published findings in 2006 regarding the Jose Adrian Hernandez Rochac 1980 disappearance case. The Ministry of Foreign Affairs reported that, following a February 3 IACHR decision regarding violations of judicial guarantees and rights in the 1994 killing of Mauricio Garcia Prieto, the Government on June 10 published an apology to the Garcia Prieto family for the actions of the state against them and has entered into dialogue with the Ministry of Health to provide counseling and support to the family.

Civil Judicial Procedures and Remedies.—Although the law provides for access to the courts, enabling litigants to bring civil lawsuits seeking damages for, as well as 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 of Human Rights, 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. On May 27, the Legislative Assembly amended the constitution to permit the judicially authorized interception of telecommunications in criminal investigations and passed implementing legislation that permits the use of such evidence at criminal trial. The provisions had not been implemented by year's end.

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 could criticize the Government publicly or privately without reprisal, and the Government generally did not interfere with such criticism.

The independent media were active and expressed a variety of views without restriction. The Salvadoran Journalists' Association noted that journalists reporting on narcotics trafficking were subject to threats and intimidation, which led to media self-censorship in reporting about narcotics trafficking.

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. Government advertising accounted for a significant portion of press advertising income, although exact data on such spending was not publicly available.

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 24, the Supreme Court ruled unconstitutional the third section of Criminal Code Article 191 that provided immunity to the publishers and owners of media against charges of defamation, slander, and libel. Most media saw this ruling as potentially infringing on freedom of the press.

On September 14, an appellate court imposed a token fine on La Prensa Grafica, a leading newspaper, for publishing photos showing the face of a 17-year-old-boy in the act of killing another boy.

Authorities continued to provide protection to radio journalists Ludwig Iraheta, Jose Beltran, and Vladimir Abarca, who received death threats from unknown actors in July 2009.

During the year authorities indicted 37 gang members for planning the September 2009 killing of French-Spanish documentary filmmaker Christian Poveda in Soyapango; 31 suspects were apprehended and in custody, 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 or attempted to collect personally identifiable information. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Internet service was available in the major cities. According to International Telecommunication Union statistics from 2009, approximately 14 percent of the country's inhabitants used the Internet.

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.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution prohibits forced exile, and the Government observed this prohibition in practice.

Protection of Refugees.—The country's laws provide for the granting refugee status or asylum, and the Government has established a system for providing protection to refugees. During the year the Government received 59 refugee petitions and granted eight persons full refugee status (seven Honduran nationals and one Iranian) and was finalizing refugee status for 14 others; 16 petitions were not approved, and 13 remained pending at year's end.

The law provides protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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. The law does not provide this type of temporary protection.

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

The constitution provides the right of citizens 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 March 2009 FMLN candidate Carlos Mauricio Funes Cartagena won the presidential election, which the Organization of American States and other international observers reported was generally free and fair with few irregularities. During the 2009 elections, as in prior elections, both ARENA and the FMLN accused each other of registering voters from other countries under the current registration law (which allows a person to register with two witnesses who swear to his/her identity); however, no parties filed any formal complaints after the election.

In the January 2009 legislative elections, described as free and fair by international observers, no party won an outright majority. In San Isidro, Cabanas Department, the FMLN, Democratic Christian Party (PDC), National Conciliation Party (PCN), and Democratic Change party (CD) political parties halted voting following accusations of ineligible voting by persons from other departments and countries. The ARENA candidate won after voting resumed a week later.

Political parties could operate without restrictions or outside interference. In October 2009 the ARENA party split, and 12 of its 32 deputies formed a new party named GANA.

Individuals cannot freely declare their candidacy and stand for election without membership in a political party. On July 29, a Supreme Court decision determined that independent candidates should be allowed to run for election. The Legislative Assembly took steps to reverse the decision by amending the constitution, but adoption requires ratification by the next Legislative Assembly in 2012.

There were 16 women in the 84-member Legislative Assembly, five women on the 15-member Supreme Court, and two women in the 13-member cabinet. 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.

Section 4. Official Corruption and Government 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, engaged in corrupt practices with impunity. The World Bank's broad-based indicators reflected that government corruption was a serious problem, a finding that was consistent with public perceptions in the country.

On December 10, authorities dismissed the entire 95-person staff of the Zacatecoluca maximum-security prison on suspicion of corruption, notably providing gang members with cell phones and other assistance. On December 13, an additional 235 employees were dismissed from the overall prison system for the same reasons, and by year's end more than 500 prison authority staff had been dismissed under suspicion of corruption.

NGOs, such as the Foundation for Studies in Legal Application and the Salvadoran Foundation for Economic and Social Development (FUSADES), alleged that the Supreme Court did not adequately address judicial delays, inefficiency, and unqualified and corrupt judges. FUSADES reported that the public had minimal confidence in the judicial system due to a lack of access to justice and accountability, a judicial backlog, and corruption. FUSADES maintained a Web site that makes judicial proceedings and records available to the public.

Public officials were not subject to financial disclosure laws. The Court of Accounts, the Anticorruption Unit of the OAG, and the Government Ethics Tribunal (TEG) share responsibility for combating corruption.

On August 18, the Second Justice of Peace in Zacatecoluca sentenced Candelaria Campos de Rivas, the worker's rights section coordinator in the San Miguel Solicitor's Office, to three years' imprisonment, following a conviction on corruption charges. She had offered to obtain a release order for a prisoner in exchange for \$5,000 (the U.S. dollar is the national currency). Five days later the same justice ordered the trial of a prosecutor in the OAG in Sonsonate on charges of promising to release a prisoner in exchange for \$600.

On September 13, the Court of Accounts sentenced former minister of public works David Gutierrez to repay the Government \$3.2 million that was unaccounted

for due to irregularities in bidding for the construction of Diego de Holguin highway in San Salvador.

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. In July 2009 the Court of Accounts, which has traditionally been controlled by one of the smaller political parties, rejected a budget and procedural audit based on legal technicalities.

The Legislative Assembly restricted public access to its monthly committee reports and required that a Board of Directors member approve such requests. During the year the TEG received 403 ethics complaints against public servants, and opened 265 investigations, resulting in public reprimands for three government officials and the suspension of one. To combat public sector corruption, the TEG operated ethics commissions within 79 of the 81 government entities required by law. The TEG conducted a year-long public awareness campaign against corruption.

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 via the Internet some information 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.

On December 3, the National Assembly passed a Public Information Access law, effective June 2011, requiring a new information office to make publicly available, free of charge, to any Salvadoran, information about public servants' salaries; official communications; government purchasing, budgets and financing; and Supreme Court proceedings.

Section 5. 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. 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 (see section 6).

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 (14 during the year) and press releases on prominent human rights cases and monitored the year's presidential and legislative elections. The PDDH enjoyed government cooperation and operated without government or party interference, had adequate resources, and was considered generally effective.

On January 21, unknown actors made death threats against Ombudsman for Human Rights Oscar Luna and his family. The PNC doubled his protective detail. As of December the case remained under investigation.

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.

On October 12, the UN Human Rights Council issued its sixth report on El Salvador. The report noted the high level of domestic violence, a need for reform of the judicial and criminal justice system, and concerns about a rise in preventative detentions. The report also took note of the significant steps taken since the 1980s to improve the human rights situation.

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

Although the constitution and the legal code provide 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; lesbian, gay, bisexual, and transgender persons, and indigenous people. The Secretariat for Social Inclusion, created in June 2009 by President Funes, who named the first lady Vanda Pignato as secretary, made efforts to overcome traditional bias in all these areas.

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 OAG 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 PNC reported 2,193 cases of rape during the year. The OAG received reports of 676 cases of rape of adults through July, which resulted in 262 trials and 76 convictions.

During the year ISDEMU provided health and psychological assistance to 787 women and girls who suffered sexual abuse, compared with 1,013 in all of 2009, and 1,447 girls who suffered physical abuse, compared with 2,512 in all of 2009.

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 and during the year resulted in the death of 551 women. Laws against domestic violence were not well enforced, and cases were not effectively prosecuted. During the year ISDEMU received 4,732 reports of domestic violence, compared with 6,514 complaints in 2009. The PNC reported 2,852 cases of domestic violence through December. Through July the OAG investigated 661 cases of domestic violence, which resulted in three convictions and 71 cases resolved through mediation.

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, OAG, Supreme Court, Public Defender's Office, and 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 Secretariat for Social Inclusion, through ISDEMU, defined policies, programs, and projects on domestic violence and continued to maintain a telephone hotline and a shelter for victims of domestic abuse and child victims of commercial sexual exploitation. The Government's efforts to combat domestic violence were minimally effective.

On November 25, the National Assembly passed a comprehensive law targeting all forms of violence, harassment and discrimination against women. The law, which takes effect in November 2011, strengthens penalties for existing crimes, defines new ones not previously penalized, and mandates a public education component and unified statistical methodology. ISDEMU, the Government agency charged with promoting the legal rights of women, has responsibility to monitor the law's implementation.

The Government did not enforce sexual harassment laws effectively. Since underreporting by victims of sexual harassment appeared to be widespread, it was difficult to estimate the extent of the problem. The OAG reported 367 complaints of sexual harassment through July, which resulted in 138 trials and 11 convictions.

The law defines sexual harassment as any unwanted physical sexual contact and stipulates penalties of three to five years in prison (or four to eight years in cases where the victim is under age 15 at the time of the offense). The law, however, does not clearly recognize nonphysical sexual harassment as a crime. Fines are added to the prison term in cases where the perpetrator is in a position of authority or trust over the victim.

Couples and individuals had the right to decide the number, spacing, and timing of children, and information about and access to contraception was widely available. Demographic Health Surveys indicated that 72 percent of married women used some method of family planning. Prenatal care and skilled attendance at delivery were also widely available. The UN Population Fund estimated that the maternal mortality rate in 2008 of 110 deaths per 100,000 live births. Women and men have equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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, employees generally did not report such violations due to fear of employer reprisals.

Pregnancy testing as a condition for employment is illegal. Some businesses allegedly required female job applicants to present pregnancy test results, and some businesses illegally fired pregnant workers (see section 7.b.).

Although the law prohibits discrimination based on gender, women suffered from cultural, economic, and societal discrimination. Men often received priority in job placement and promotions, and women were not accorded equal treatment 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, apparel assembly, home industries, and small businesses.

Gender-based wage disparity remained a problem. The 2007 Household Survey, the latest available, indicated that, on average, women's monthly wages were \$247 and men's were \$304. In sectors of the economy where women constituted the majority of the labor force, men held most positions in both management and in departments where employees received higher wages.

A 2008 ISDEMU report on women in the workplace indicated that 41 percent of women worked, but received on average only 80 percent of the salary levels received by men; 55 percent of the female workforce was in the informal sector, and 47 percent of working women were underemployed. The average monthly salary for female factory workers was \$163.00 and \$113.36 for domestic workers.

Children.—Citizenship is derived by birth within the country and from one's parent(s). The law requires parents to register a child within 15 days of birth or else pay a \$2.86 fine. There were no firm statistics, but many births were not registered. Unregistered children had access to public health care but not to public education.

Child abuse was a serious and widespread problem. Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures against victims, fears of reprisal against the children, ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. The Salvadoran Institute for Children and Adolescents (ISNA), an autonomous government entity, defined policies, programs, and projects on child abuse, maintained a shelter for child victims of abuse and commercial sexual exploitation, and conducted a violence awareness campaign to combat child abuse. During the year ISNA reported sheltering 883 abused children, including 231 cases of children living on the street, 299 cases of sexual abuse, 113 cases of abandonment, 72 cases of children employed as beggars or being economically exploited, and 38 cases of commercial sexual exploitation.

There were credible reports that the PNC targeted minors specifically for harassment or arbitrary detention, as some PNC officers perceived youth on the street as more likely to be gang members.

The law classifies statutory rape as sexual relations with anyone under 18 years of age and provides for penalties between four and 20 years' imprisonment for those convicted of the crime. During the year the PNC reported 1,216 cases of rape of persons under 18 (of a total of 2,193 rape cases) and 1,186 cases of sexual abuse. Through July the OAG reported prosecuting 561 cases of rape of persons under 18 and 479 cases of sexual abuse, molestation and corrupting a minor.

The law prohibits participating in, facilitating, or purchasing materials containing child pornography and provides for prison sentences of up to 16 years' imprisonment. During the year the PNC made four arrests against persons for child pornography.

The law prohibits paying anyone under the age of 18 for sexual services. There were credible reports that girls were forced into prostitution. Through December ISDEMU registered seven cases of commercial sexual exploitation of children.

On August 31, UN Special Rapporteur for the Rights of the Child Najat Maalla M'jid urged the Government to take effective measures to protect children's rights against trafficking in persons, child prostitution, and pornography. She also criticized the lack of uniform statistics from the children's agencies and the OAG.

In March 2009 the Legislative Assembly passed a law strengthening penalties against child trafficking and child abuse and prohibiting publication of pictures of minors by the mass media to prevent identification of potential exploitation victims.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community totaled approximately 150 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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. According to the National Council for Disabled Persons (CONAIPD), the Government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation, and did not effectively enforce legal requirements for access to buildings, information and communications for persons with disabilities. There are almost no access ramps in the country, nor are provisions made for the mobility of persons with sight and hearing disabilities.

Several public and private organizations promoted the rights of persons with disabilities. CONAIPD is the Government agency responsible for protecting those rights. There were no reported patterns of abuse in prisons or in educational or mental health facilities, although CONAIPD reported isolated incidents, including sexual abuse, in such facilities. There are no statistics or formal mechanisms for complaint for abuse of persons with disabilities.

CONAIPD reported that persons were fired after becoming disabled, that persons with disabilities were not considered for work they were qualified for, and that some schools would not accept children with disabilities due to lack of facilities and resources. There is no formal system for filing a complaint with the Government.

CONAIPD conducted awareness campaigns, provided sensitivity training to 1,173 persons in 15 institutions from the public and private sectors, promoted the hiring of persons with disabilities, and trained doctors and teachers about the rights of the disabled. The Government's Fund for the Protection of Persons with Disabilities assisted financially individuals who were wounded or had a disability as a result of the civil war but had not yet paid some obligations through 2009. President Funes stated the Government would pay owed pensions. The Rehabilitation Foundation, in cooperation with the Salvadoran Institute for the Rehabilitation of the Disabled (ISRI), continued to operate a treatment center for persons with disabilities. However, CONAIPD reported that the Government provided minimal funding for ISRI. The vast majority of persons with disabilities received care at home by relatives with little or no government support or supervision.

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. According to the 2007 census, indigenous persons formed approximately 0.2 percent of the national population in three principal groups: Nahua-Pipiles in western and central areas of the country and Lencas and Cacaoperas in the eastern region. Indigenous rights groups and the PDDH complained that the Government's methodology used to determine indigenous self-identification underestimated the actual size of the indigenous population. For example, indigenous rights groups stated that Nahuizalco, a town in the department of Sonsonate, may have up to 39,000 indigenous inhabitants, approximately 0.7 percent of the country's population. Births of indigenous persons were reportedly more likely not to be registered officially, reducing educational opportunities since school registration requires a birth certificate.

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 nonindigenous groups. Government estimates in 2004, the most recent available, indicated that approximately 99 percent of indigenous persons lived below the poverty level.

There are no laws giving indigenous people rights to share in revenue from exploitation of natural resources on indigenous lands. The Government did not demarcate any lands as belonging to indigenous communities. Access to land was a problem for indigenous persons. Because few possessed title to land, opportunities for bank loans and other forms of credit were extremely limited.

The municipality of Nahuizalco passed a law on October 24 recognizing the origin and existence of indigenous persons and their right to practice their customs and beliefs, outlawing any form of discrimination, and pledging assistance in maternal care.

There were no government programs dedicated to combating discrimination against or communicating with indigenous persons. The PDDH reported that indigenous persons faced employment and workplace discrimination. In practice citizens are not able to register their children with indigenous names under a 1990 law, which allows municipal workers to require an appeal to the mayor's office if a proposed name is considered improper.

On October 10, President Funes publicly apologized to the country's indigenous people for the persecution and "extermination" they have suffered over the past five centuries. He acknowledged the country as a multiethnic and multicultural society.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law prohibits discrimination on the basis of sex-

ual orientation, in practice discrimination was widespread, especially against transgender persons. In January the new administration approved the legal registration application filed in August 2009 by the gay rights NGO Entre Amigos. This is the first NGO focused on sexual minorities registered by the Government whose primary declared work was other than the prevention of HIV/AIDS.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents. Entre Amigos reported that public officials, including the police, engaged in violence and discrimination against sexual minorities. Persons from the lesbian, gay, bisexual, and transgender (LGBT) community stated that the PNC and OAG ridiculed them when they reported cases of violence against LGBT persons. The Government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities.

On May 13, President Funes signed an order forbidding workplace discrimination in government offices based on sexual orientation. The order also created the Office of Sexual Diversity within the Secretariat of Social Inclusion. In general violence and discrimination against sexual minorities went unpunished.

LGBT rights supporters held one gay pride march, for which the municipality of San Salvador provided authorization. The Government provided sufficient police security for marchers.

Entre Amigos reported the killings of two persons from the LGBT community during the year, compared with 23 during 2009. Entre Amigos attributed the decline to the end of the debate over a proposed constitutional amendment to define marriage as only between a man and a woman.

Other Societal Violence or Discrimination.—Although the law prohibits discrimination on the basis of HIV/AIDS status, in practice discrimination was widespread. Lack of public information remained a problem in confronting discrimination against persons with HIV/AIDS or in assisting persons suffering from HIV/AIDS. The Ministry of Health reported that 25,530 persons were infected with HIV, of whom 8,000 had AIDS. A UN Development Program survey conducted during the year reported that 31.4 percent of persons infected with HIV/AIDS experienced some form of discrimination, including credible reports of denial of public services (such as schooling) and loss of employment. Persons denied entry into the armed forces charged that the military illegally required HIV testing for its soldiers.

In August 2009 the Ministry of Public Health launched an awareness campaign aimed at reducing stigmatization of HIV-positive persons. A number of NGOs worked without government interference to produce media and outreach campaigns to promote HIV/AIDS awareness and testing.

Reports indicated that rape and other sexual abuse of males was substantially underreported to authorities. The PNC reported 258 cases of rape against males during the year, and ISDEMU provided health and psychological assistance to 165 men and boys who were victims of physical or sexual abuse.

Section 7. Worker Rights

a. The Right of Association.—The constitution provides for the right of workers, except military personnel, national police, judges, high-level public officers, and workers who are in “positions of trust,” to form and join unions of their choice. In 2009 the Government amended the constitution to grant legal status to public worker unions. Workers do not require prior authorization from the Government to organize, but must meet certain requirements to be legally registered. According to official census figures, the country had a workforce of 2.365 million in 2009, of which 215,000 were in the agricultural and fishing industries. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers. The constitution permits the participation of noncitizens in unions, but requires that union leaders be citizens.

The Ministry of Labor encouraged the formation of new unions and streamlined the registration process. The law permits unions to conduct their activities without government interference. Some unions alleged the Ministry of Labor interfered with their activities by encouraging and facilitating the formation of “parallel unions,” which supported the FMLN.

As of September there were 557 unions, of which 294 were in the private sector, 18 were in autonomous government organizations, and 55 in the public sector. The Ministry of Labor reported it registered 51 unions during the year, of which 24 were in the public sector and 27 in the private sector, including in autonomous government organizations. The Ministry of Labor also reported that 31 unions had become defunct, while 159 were either without leadership or inactive.

The ministry denied registration to three unions—a public sector municipal workers’ union (SITESMUES) and two private sector unions, the transportation workers’

union (STITCPAS) and the independent workers' Movement for Democracy, Development and Peace (Movimiento para la Democracia, el Desarrollo y la Paz)—because they did not meet legal requirements.

On December 14, the Administrative Court of Justice declared illegal the Ministry of Labor's February 1 refusal to recognize the results of the January elections of a construction workers' union, Sindicato Union de Trabajadores de la Construcción (SUTC), and the ministry carried out the court's instruction to credential the union's board of directors on December 17.

On November 6, the Legislative Assembly refused a request by the union of workers of the Legislative Assembly (SITRAL) to represent its workers, on the grounds that the workers were in "positions of trust." In December the employment contract of the SITRAL's secretary general Luis Ortega was not renewed.

There were some reported instances of violence against union leaders. On January 15, Santa Ana municipal workers (SITRAMSA) union leader Abel Victorio Vega was murdered in an execution-style killing by six assailants at a public plaza in Santa Ana, according to official PNC reports. The OAG reported in August that it was investigating the possibility that the killing was linked to Vega's unionizing activities. However, by year's end, no charges had been brought in the case.

In October SITRAMSA reported that its workers had received death threats when the union announced it would strike over alleged intimidation and withholding of workers' pay by the municipality. The union reported that the municipality had also withdrawn security guards from worksites. The subsequent strike was later declared illegal by the Santa Ana Labor Court. The municipality reduced the strikers' wages by approximately 50 percent for the time they were striking. At year's end the case was on appeal.

The constitution recognizes the right to strike, except for public and municipal employees and workers in essential services. The law does not specifically designate which services are considered essential. Although the law contains complex and cumbersome registration procedures for conducting a legal strike, workers freely 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. In practice, workers engaged in strikes regardless of whether the legal requirements were met. Although the Ministry of Labor did not approve any strikes during the year, it did not report any instances where the right to strike was denied.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining by employees in the private and public sectors, but the Government enforced rules on collective bargaining selectively. In October the Ministry of Labor reported that 51,885 workers, including 3.5 percent of the urban workforce, are covered by collective bargaining agreements.

The law prohibits antiunion discrimination, and the Government enforced the law. However, there were reports of antiunion discrimination, including dismissals of workers attempting to unionize and threats against labor union members. The Ministry of Labor imposed 10 fines for illegally dismissing unionized workers. There are no special laws or exemptions from regular labor laws inside the free trade zones.

There were reports that security guard agencies COSASE, which provides security for the Government, and COARMI dismissed workers trying to unionize during the year, and failed to provide the dismissed workers with back pay, vacation, social security and bonuses due to them.

During the year auto shop owners alleged that the Ministry of Labor required them to bargain with the Union Federation of El Salvador (FESS), although FESS did not meet the minimum requirement of having at least 35 workers to form a union. The Ministry of Labor denied the allegation that it required the owners to accept the agreement with FESS.

The OAG reported that between January and July it opened 426 investigations against employers for illegally retaining social security and pension payments, two investigations for violations of labor safety conditions, three investigation for labor

discrimination, and four investigations for violations against freedom of association and the right to strike.

During the year the Ministry of Labor reportedly conducted 507 inspections and 255 reinspections in the textile sector. The ministry conducted an additional 212 inspections and 103 reinspections for gender discrimination, covering 61,478 apparel assembly workers. The ministry imposed 240 fines for labor violations.

As of October, the Ministry of Labor had reported 50 complaints of illegal firings of union leaders, 22 of which were resolved. The ministry imposed fines in 24 cases involving 97 workers (71 men and 26 women). The ministry also received 68 complaints for dismissals of pregnant workers. Of these, 44 cases were resolved. The ministry imposed fines in 13 cases involving 62 workers. It did not receive any complaints concerning mandatory HIV tests as a condition of employment.

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 sought to undermine union organizing, including dismissing union members. As of September the Ministry of Labor reported no instances of blacklisting workers who were union members, and no instances of employers refusing to negotiate with unions.

The Labor Code does not require employers to reinstate illegally dismissed workers. Reinstatement is generally handled through mediation by the courts and the Ministry of Labor. Although not required by law, the Ministry of Labor requested some employers to rehire 256 fired workers during the year, basing its requests on International Labor Organization (ILO) Administrative Court rulings.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor except in the case of natural catastrophe and other instances specified by law. The Ministry of Labor reported it had received no complaints of forced labor during the year. However, some forced labor was believed to occur. In October the Government's Migration Office reported that there was anecdotal evidence that forced labor occurred in the informal sector, for instance among migrant domestic workers, and may also occur among subcontracted construction workers.

Also see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

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 age 12 and older 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.

According to the 2008 School Registration Census, the most recent available, there were approximately 110,000 child workers, with the largest numbers engaged in coffee, sugarcane, and other agricultural activities; domestic work; street vending; and fishing. Child labor in its worst forms was a serious problem in coffee and sugarcane cultivation, fishing, mollusk extraction, and fireworks production. There were reports of children engaging in garbage scavenging. Orphans and children from poor families frequently worked for survival as street vendors and general laborers in small businesses. Children also worked as domestic servants.

The Ministry of Labor reported receiving few complaints of violations of child labor laws, primarily because many Salvadorans view child labor as an essential component of family income rather than as a human rights problem. During the year the Government increased inspections of child labor but lacked adequate resources to effectively enforce child labor laws in agricultural activities, especially coffee and sugarcane production, or in the large informal sector. Most reports were made by telephone or through third parties, according to the Labor Ministry.

The Government made significant efforts to combat child labor during the year. The Ministry of Labor reported that its 208 nationwide labor inspectors were trained in child labor, including 10 from the Department of Agriculture and Fisheries, as well as four specialists in child labor issues and six liaison officers trained in child labor issues in branch offices in Santa Ana, San Miguel, Sonsonate, La Paz, Usulután, and La Unión. The Ministry of Labor reported that it also changed inspection hours to correspond with times children were likely to be working.

The Ministry of Labor led a government interagency program to advance its "Road Map" to eliminate child labor in its worst forms by 2015 and in its entirety by 2020. As part of its implementation, the Government participated in a new, \$10 million

ILO project that seeks to provide educational opportunities to children while offering livelihood alternatives for their families. It also developed a series of events to raise awareness about child labor in local communities. The Government also participated in a four-year, \$3.4 million ILO project that ended in July. This project provided educational opportunities to more than 13,000 children who worked or were at risk of working.

The Ministry of Education promoted child labor awareness and encouraged school attendance. The Ministry of Labor reported that the Government continued operating 134 after-school programs during the year and was assisted by funding from Intervida, Plan Internacional, and the Fundacion Telefonica. The Government also incorporated material on combating child labor into its elementary school curriculum, and provided lunches, uniforms, school supplies and shoes to impoverished students.

The Ministry of Labor reported that when inspectors encountered incidents of child labor, the Government removed the victims and placed them in educational programs. As of September the ministry reported that 13 children had been removed from child labor. The ministry reported it verified that these situations did not recur, and that it continues to monitor the area where this work was identified. There was no information on specific investigations or prosecutions.

e. Acceptable Conditions of Work.—There is no national minimum wage; the minimum wage is determined by sector. The minimum daily wage was \$6.92 for retail and service employees, \$6.77 for industrial laborers, and \$5.79 for apparel assembly workers. The agricultural minimum wage was \$3.24. The minimum wage did not provide a decent standard of living for a worker and family. The highest monthly minimum wage nationally was \$207.60. The lowest monthly minimum wage, for agricultural workers, was \$97.20. The Consumer Defense Center (an NGO) reported that basic subsistence costs for food during the year were \$184.94 per month. The Government reported slightly different costs, indicating that the amount needed for subsistence in urban areas was \$171.19 and in rural areas \$120.03.

In 2009 the Social Security Institute confirmed that Joaquin Salvador Montalvo Machado had complied with the Third Sentencing Court's fine of \$144,724 imposed in 2006 for illegally retaining social security and pension payments of workers at the Hermosa Manufacturing apparel assembly plant. On May 23, 10 Hermosa workers received severance pay and other compensation following a favorable verdict from the Apopa Court of Instruction. Ten other workers received severance pay and other compensation after mediation by the OAG on June 29. The Salvadoran Social Security Institute also plans to provide medical care for Hermosa workers suffering from cancer. However, as of September the Ministry of Labor reported that Montalvo had not paid legally required severance and other payments to all workers, and 34 workers who lost their labor cases plan to file fraud charges against Montalvo, with the support of the Ministry of Labor.

During the year the Ministry of Labor reported 37 complaints for unpaid back wages and social security payments against the Miretex apparel factory, of which 22 were resolved.

The Ministry of Labor reported that in November, the Royal Textiles Flexiler factory illegally withheld workers' social security and pension payments. The case was ongoing at year's end.

The Ministry of Labor reported conducting 9,206 inspections, including 305 in the coffee sector, 111 in the sugar sector, 65 in the fireworks industry, and 1,493 in the fishing industry. There were 1,732 inspections in the industrial sector, 1,275 in the commercial sector, and 2,607 in the service sector. The ministry also conducted 437 inspections for workplace discrimination covering 63,924 workers, 84 of whom were pregnant workers. The ministry reported that, as of September, 183 employers had been sanctioned, resulting in 186 fines for nonpayment of minimum wages. The average fine was \$54.43. The Government reportedly effectively enforced the minimum wage law in the formal sector but not in the informal sector.

The Government increased its inspection force from 159 to 208 during the year, and provided updated training to its inspectors for both occupational safety and labor standards. There continued to be allegations of corruption among labor inspectors in the apparel assembly industry.

The law sets a maximum normal workweek of 44 hours, limited to no more than six days, and to no more than eight hours per day, but allows overtime if a bonus is paid. 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.

The Government's gender and labor discrimination unit reported that assembly plants generally respected the laws on overtime. However, some of these plants required workers to work extra days in order to meet production goals, with a promise

of incentive pay in addition to overtime. There were no reports of workers not receiving incentive pay.

During the year the Ministry of Labor received 375 complaints regarding unpaid overtime from industrial and commercial workers, and none from agricultural workers.

As of October the Ministry of Labor reported that it had received 2,085 complaints of unpaid salaries; 452 complaints of unpaid overtime, involving 2,380 and 533 workers, respectively. During the year the Ministry of Labor imposed 62 fines for unpaid salaries. There were reports from unions that the Ministry of Labor failed to enforce the minimum wage for subcontracted workers hired for public reconstruction contracts.

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 workplace. This includes prohibitions on the employment of persons under age 18 in occupations considered hazardous or morally dangerous.

The Legislative Assembly passed a new workplace safety law in January, which will take effect in May 2011. The new law is based on ILO Convention 155. It promotes occupational safety, training, and worker participation in occupational health and safety matters. The new law also addresses sexual harassment and violence against women as well as other workplace harassment issues. The law requires that employers provide preventive safety measures, including proper equipment and training, to employees, and a violence-free workplace, in order to reasonably ensure the safety and health of workers. Employers who violate the law can be fined. The Ministry of Labor is charged with enforcing the law.

From June 2009 to June 2010, the Ministry of Labor reported that it trained 300 companies on occupational safety and created 127 committees of occupational health and safety.

The Ministry of Labor reported contradictory information regarding whether workers have the right to remove themselves from hazardous situations without jeopardy to their continued employment. The ministry noted that the Government's ratification of ILO Convention 155 provides workers with the right to remove themselves. At the same time, the ministry also reported workers can be fired for refusing to undertake hazardous work, although they must be compensated. In practice workers were not informed about this right. The Ministry of Labor reported conducting 8,390 inspections and 6,449 reinspections for workplace health and safety and 1,680 environmental studies during the year. It also reported reaccreditation of 500 workplace safety committees and the formation of 387 new committees.

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 in July 2008, the National Democratic Congress won 11 of 15 seats in Parliament, and Tillman Thomas was sworn in as prime minister. Security forces reported to civilian authorities.

Human rights 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 formal complaints or confirmed reports that government officials employed them. While young detainees occasionally claimed to have been roughed up by the police to family and friends, no one appealed to the press or approached the authorities with allegations. Flogging, a legal form of punishment for sex crimes and assault, was not uncommon.

Prison and Detention Center Conditions.—Overcrowding was a significant problem; in the sole penitentiary there were 440 prisoners, of whom 16 were women, held in space designed for 98 persons. Some prisoners slept on mattresses or blan-

kets on the ground. The prison initiated an education program for the inmates and hired a counselor to work with the prison population.

Women were held in a separate section of the prison from men. There was no separate facility for its six juveniles, who mix with the general prison population in the course of the day.

Prison conditions are monitored by the Government's Prison Visiting Committee. The Government permits monitoring of prison conditions by independent human rights groups, but no such visits were requested during the year.

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 1,011-person Royal Grenada Police Force (RGPF) is headed by the police commissioner and encompasses the Coast Guard, the Special Services Unit, the Fire Fighting Unit, and other specialized units. The RGPF is supplemented by 260 rural constables. The RGPF generally was effective at responding to complaints and maintained 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. Civilian authorities maintained effective control over the RGPF, and the Government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in 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.

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 November the Media Workers Association of Grenada (MWAG) criticized

the prime minister for characterizing a blogger as “dangerous to Grenada” and “trying to create instability.” MWAG’s statement generated debate among journalists about whether the prime minister’s comment constituted intimidation.

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 24 Internet users per 100 inhabitants in 2009.

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.—For a complete description of religious freedom, please see the 2010 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 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 Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in the single instance where assistance was requested with regard to refugees and asylum seekers. In this case, the Government agreed not to deport a family that claimed political asylum while UNHCR sought a country for resettlement.

The law does not address forced exile. The Government did not resort to it.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Government has no formal channels for providing protection to refugees or asylum seekers. The Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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.—The most recent general elections were held in July 2008, when the National Democratic Congress won 11 of the 15 seats in the House of Representatives, defeating the New National Party, which had governed for 13 years. The Organization of American States led a 25-member election observer mission, which deemed the elections free and fair.

Political parties could operate without restriction or outside interference.

Two women served in the House of Representatives. Four of the 13 appointed senators are women, including the president of the senate. Three female legislators served as ministers of government. In the civil service, women held 17 of the 19 most senior positions—permanent secretaries.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the Government did not implement the law effectively. Allegations continued to surface that present or former officials engaged in corrupt practices with impunity, but few investigations were concluded during the year. The World Bank’s governance indicators reflected that corruption remained a problem.

In 2007 Parliament passed the country’s first anticorruption laws, including a bill establishing an Integrity Commission. In October 2009 the Government appointed seven persons to the Integrity Commission, which met but was not yet operational at the end of the year.

Although the anticorruption laws require all public servants to report their income and assets, the appropriate regulations had not been promulgated by year’s end.

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. However, government responsiveness to those requests was not tracked.

Section 5. 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 often were cooperative and responsive to their views.

The country's first ombudsman, a career public servant who previously served as cabinet secretary, assumed office in 2009. The ombudsman has authority to investigate complaints from persons who object to government actions they deem to be unfair, an abuse of power, contrary to law, discriminatory, or negligent. By December the Office of the Ombudsman handled approximately 60 complaints. While several complaints involved nongovernment institutions and fell outside the ombudsman's jurisdiction, most complaints were forwarded to the appropriate ministries for action and remained under consideration. In two cases, the ombudsman opened formal investigations when the referrals did not resolve the complaint. The ombudsman planned to submit his first annual report to Parliament in 2011.

Section 6. 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 referred 42 charges involving rape or related charges for prosecution, and the court convicted 34 persons during the year.

Women's rights monitors noted that violence against women remained a serious problem. A new Domestic Violence Bill expanded the range of eligible relationships subject to domestic violence provisions, persons who may apply for assistance on behalf of victims, and the definition of abuse, which now includes harassment and damage against property. 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 18 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel. Victims and persons seeking to report cases of abuse contact the Ministry of Social Development and local ministry offices in three parishes and the island of Carriacou.

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.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and had access to contraception as well as obstetric and post-natal care. Life-style choices (such as tobacco and alcohol use) contributed to a high percentage of premature births, which resulted in an infant mortality rate of 15 deaths per 1,000 live births in 2008. Incidence of maternal mortality was not available. Essential obstetric and postpartum care was widely available, as were skilled attendants at births. Women and men had equal access to treatment for HIV/AIDS.

Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in health care, employment, or education; however, women frequently earned less than men performing the same work. Due in part to factors like post-hurricane reconstruction, the poor economy, and high levels of unemployment, women moved into nontraditional fields such as carpentry and construction. Television and radio public service announcements continued to combat spousal abuse and raise women's awareness of their rights.

Children.—Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. There is universal birth registration.

The Social Welfare Division within the Ministry of Social Development provided probationary and rehabilitative services to youth, 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.

Government social service agencies reported 92 cases of physical abuse, 23 cases of sexual abuse, and 13 incest cases involving minors during the year. Government officials attributed the rise in reported cases over previous years to a growing awareness among youth and others of the availability of support for victims. 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. In October Parliament passed the Child Protection and Adoption Bill, which mandates reporting of suspected child abuse cases by education, health care, and other professionals. The Government used television and radio spots to raise awareness within the population about child abuse and incest.

A statutory rape law applies to children 16 years and under. Penalties are 15 years' imprisonment if the victim was less than 14 and five years' imprisonment if the victim was 14 to 16 years of age. No specific laws address child pornography; but the law does prohibit the importation, sale, and public display of pornography. The criminal code prohibits sale and trafficking of girls for prostitution, for the production of pornography, or for pornographic performances, but lacks similar prohibitions that apply to boys.

The Government is not a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport-4308.html>, as well as country specific information at <http://travel.state.gov/abduction/country/country-3781.html>

Anti-Semitism.—There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—In 2009 there were no reports that persons were trafficked to, from, or within the country.

Persons With Disabilities.—The constitution and law do not protect job seekers with disabilities from discrimination in employment. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated disabled access into new construction and premises renovation. Although public schools accepted special needs children and sought to meet their needs, many 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, faced no discrimination in access to information and communication, and suffered no restrictions on the right to vote or to participate fully in civic affairs. 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.—Approximately 8 percent of citizens are descendants of individuals who came to the country from India as indentured servants, many of whom found themselves in slave-like conditions. Some complained of residual discrimination based on their origins, although most have intermarried with persons of European or African descent.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—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. Members of sexual minorities generally did not acknowledge openly their sexual orientation. The Grenada Caribbean HIV AIDS Program (GrenCHAP) participated on the National AIDS Council and served as an advocate for sexual minorities and at-risk populations. There were no reports of violence linked to sexual orientation. There were no reports that sexual orientation affected employment and occupation, housing, statelessness, or access to education or health care.

Other Societal Violence or Discrimination.—It was not uncommon for persons to be shunned by family members or face discrimination in housing and employment should their HIV-positive status become known. According to civil society contacts, fear of disclosing their status prevented some persons with HIV/AIDS from seeking services provided by government or civil society. While the Government acted to ameliorate concerns by the public about persons with HIV, it moved less quickly to finalize policies in draft or to act on recommendations provided by the HIV-positive community. The Government encouraged citizens to be tested and to get treatment. NGOs such as GRECHAP and Hope Pals provided counseling to those affected by HIV/AIDS; made recommendations to the Government on outreach and policy; and 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 7. Worker Rights

a. The Right of Association.—The constitution and law allow workers to form and join independent labor unions. All major unions belong to one umbrella labor federa-

tion, the Grenada Trades Union Council, which was subsidized by the Government. Labor ministry officials estimated that in 2009, 52 percent of the work force was unionized.

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, employers generally did so in practice. Renegotiation of contracts between the Government and government worker unions, which expired in December 2008, remained pending.

The law provides workers with the right to strike, and workers exercised this right in practice. The Technical and Allied Workers Union conducted six brief strikes or work stoppages during the year. The Commercial and Industrial Union conducted one. In addition there was a strike by the Leeward Islands Airline Pilots Association in June against a regional carrier. While essential workers have the right to strike, the labor minister may refer disputes involving essential services to compulsory arbitration. The Government's list of essential services is broad and includes services no longer regarded by the International Labor Organization as essential. A revision of the list was under discussion between government and labor.

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 or otherwise compensate the employee if a court finds they were discharged illegally. No such violation of law came to the notice of government during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The statutory minimum age for employment of children is 18 years. Inspectors from the labor ministry enforced this provision in the formal sector through periodic checks, but enforcement in the informal sector remained a problem, particularly for family farms. The Labor Ministry inspected family farms for child workers upon receipt of child labor allegations.

The legal code does not specifically prohibit the sale and trafficking of children for exploitive labor. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip/.

e. Acceptable Conditions of Work.—The Ministry of Labor last updated minimum wages in 2002. In 2008 a tripartite committee reviewed wage levels. Although the committee provided its recommendations to the Government in April 2009, no further action has been taken. Under the 2002 minimum wage levels, wages are linked to 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 woman 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. In 2009 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. While not subject to minimum wage provisions, most foreign contract workers earned more than minimum wage.

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. There were no exceptions for foreign contract workers. No violations of the law were brought to the notice of government authorities.

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 their continued employment.

GUATEMALA

Guatemala is a democratic, multiparty republic with a population estimated at 14.4 million. Alvaro Colom of the National Unity of Hope (UNE) party won the 2007 presidential election, which international observers generally considered free and fair, and began his four-year term in January 2008. Although security forces reported to civilian authorities, there were instances in which members of the security forces acted independently of civilian control.

Human rights abuses included the following: the Government's failure to investigate and punish unlawful killings committed by members of the security forces; widespread societal violence, including numerous killings; corruption and substantial inadequacies in the police and judicial sectors; police involvement in serious crimes, including unlawful killings, drug trafficking, and extortion; 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 on the basis of sexual orientation and gender identity; 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 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.

The National Civilian Police (PNC) and its Office of Professional Responsibility (ORP) reported that they investigated 10 accusations of killings involving 10 PNC agents, all of whom remained under investigation at year's end.

On February 11, authorities arrested army Major Hugo Leonel Zielke Puac, PNC officials Ernesto Gutierrez Cos, Jairo Manuel Orozco, Osmandi Lopez Fuentes and Jorge Amilcar Ramirez Cerna, and Korean businessmen Woo Kun Yang and Young Gag Lee for the January 18 killing of Te Paek Soung Kim, whose body was found in Palin, Escuintla. The press reported that Te Paek died after the kidnappers tried to extort from him 12 million quetzales (\$1.5 million) that he won at an illegal casino operated by Woo Kun Yang and Young Gag Lee. At year's end the suspects remained in preventative prison and an investigation continued.

On June 23, authorities arrested PNC officials Juan Carlos Rojas Salguero and Martir Garcia Hernandez for the January 2009 unlawful killing of PNC officer Marco Aurelio Sandoval. Authorities were also investigating the two officials for participating in an organized crime band engaged in kidnappings and killings for hire.

At year's end PNC officers Mynor Joel Loarca Morales and Isaias Miguel Pineda remained in preventative detention awaiting trial for the January 2009 killing of Walter Garcia Suruy in Guatemala City.

PNC agents Mario Luiz Paz Mejia, Wilfredo Antonio Paz Mejia, and Carlos Humberto Aragon Cardona and 10 others remained under detention awaiting trial for the April 2009 killing of coffee grower and businessman Khalil Musa and his daughter, Marjorie, in Guatemala City.

On July 15, authorities convicted 11 members of an organized crime group, including police agents Mario Luis Paz Mejia, Wilfredo Antonio Paz Mejia, Carlos Humberto Aragon Cardona, three former police officers, and one retired member of the military for planning and carrying out the May 2009 murder of Rodrigo Rosenberg. At year's end the brothers Francisco and Estuardo Valdez Paiz, accused of homicide in the Rosenberg case, were awaiting trial; other suspects remained at large.

On February 26, soldiers Cacao Coy and Garcia Ramirez were convicted of manslaughter in the May 2009 killing of 15-year-old Pedro de Jesus Sacul Pop when the driver of the truck in which Sacul Pop was a passenger failed to stop in Alta Verapaz.

At year's end Jeiner Estanislao Vasquez Garcia, prosecutors Mario Adolfo Soberanis Pinelo, Oscar Efrain Vasquez Fuentes, and Rigoberto Arturo Castanon Mejia, and PNC officers Marlon Josue Garcia Lopez and David Ezequiel Vasquez

continued to remain in custody in relation to the killing in 2009 of Castulo and Ana Leticia Vasquez Garcia.

At year's end, there were no further developments, and none were expected, in the case involving PNC agents Omar Evidan Godoy Arana and Gendy Misael Chinchilla Samayoa, who remained in custody awaiting trial for the 2008 killing of bus assistant Jose Angel Hernandez.

On June 7, authorities sentenced Juan Carlos Policarpio to 820 years in prison for murder in the 2008 killing of 16 passengers of a Nicaraguan bus in eastern Guatemala. Authorities sentenced Rony Eduardo Terraza Hernandez at the same time to three years' imprisonment for attempting to conceal the crime. At year's end nine other suspects, including Marvin Montel Marin, alleged leader of the assailants, remained at large.

On July 28, authorities arrested Cesar Augusto Paiz Cordova, Aurelio Ruiz, Nelson Oswaldo Milian Giron, and Santiago Enrique Sis Garcia for the killing in 2008 of former PNC official and government advisor Victor Rivera. At year's end, Paiz, Milian, and Garcia remained in prison awaiting trial. Seven other suspects, including Rivera's former secretary Maria del Rosario Melgar Martinez, remained at large.

By year's end authorities had dropped obstruction of justice and conspiracy charges against assistant prosecutors Denys Billy Herrera Arita and Carlos Rodriguez Serrano, but former chief homicide prosecutor Alvaro Matus, assistant prosecutor Pedro Pablo Giron, and Public Ministry deputy chief Leyla Susana Lemus Arriaga were out on bail awaiting trial in relation to the 2008 killing of Victor Rivera.

At year's end a trial had begun for nine PNC officers for the 2007 killing of Antonio de Leon Lopez in Huehuetenango during an antinarcotics operation; a tenth officer remained at large.

On December 2, Jutiapa mayor-elect and former member of Congress Manuel de Jesus Castillo was convicted of masterminding the 2007 killings of three Salvadoran members of the Central American Parliament (PARLACEN) and their driver. Seven other suspects were also convicted, and another was absolved, for participating in the killings, including former PNC agent Marvin Contreras Natareno. Sentences ranged between 17 and 210 years in jail.

There were no further developments in the case against the former director of El Boqueron prison, Manuel Antonio Recinos Aguirre; his deputy, Baldimiro Rodene Lopez y Lopez; and several police officers with alleged ties to narcotics trafficking who continued to remain in custody awaiting trial in connection with the killing of four PNC suspects in the 2007 PARLACEN case.

On August 17, authorities arrested former prison director Alejandro Giammattei and former PNC criminal investigation department chief Victor Soto for alleged extrajudicial killings of inmates during the retaking of Pavon Prison in 2006. At year's end a Spanish court was considering a request filed by the Government of Guatemala to extradite former minister of government Carlos Vielmann for involvement in the killings. The Government also filed arrest warrants for former PNC director Erwin Sperinsen and former deputy director Javier Figueroa, who continued to remain at large at year's end.

At year's end there were no further developments in the court's reopening and re-investigation in December 2009 of the 1993 assassination of former presidential candidate and journalist Jorge Carpio Nicolle and the killing of three of his political associates.

At year's end there were no further developments in the Supreme Court's order of December 2009 to reopen and reinvestigate the 1990 "street children case" and the "white van case," of 1987 and 1988, involving kidnappings, torture, and killings by state security agents.

On February 12, authorities arrested retired army special forces members Manuel Pop Sun and Reyes Collin Gualip for participating in the 1982 Dos Erres massacre in which military officials killed an estimated 252 men, women, and children. On March 1, authorities arrested retired colonel Carlos Antonio Carias Lopez, also in connection with the Dos Erres massacre. At year's end the three suspects remained in preventive detention awaiting trial, and 13 other suspects remained at large.

At year's end there were no new developments in the case of former army captain Jose Antonio Solares Gonzalez and former Civil Defense Patrol members Ambrosio Perez Laju and Domingo Chen—three suspects sought for the 1982 killings of 177 civilians in Rio Negro, Baja Verapaz.

According to PNC statistics, vigilante mobs (most often in rural indigenous communities) killed 33 persons and injured 36 in lynchings and attempted lynchings during the year. Many observers attributed the lynchings to public frustration with the failure of police and judicial authorities to provide security and to the emergence of local citizen-security groups. There were continued reports of community

lynchings of individuals suspected of rape, kidnapping, or attempted kidnapping of children to sell for adoption. In many instances PNC agents refused to intervene out of fear for their own safety.

At year's end there was no information, and none was expected, regarding:

The January 22 lynching of three robbery suspects, including an 11-year-old boy, by students from University Rafael Landivar in Guatemala City;

Any investigation regarding a February 14 mob lynching and dismemberment of three men suspected of assaulting passengers in a bus and of killing a bus assistant in the town of Patzutzun, Solola;

Any investigation regarding the April 9, beating and killing by villagers from Chichicastenango of three brothers suspected of extortion.

b. Disappearance.—Although there were no reports of politically motivated disappearances, there were reports of police involvement in kidnappings for ransom. The PNC's ORP reported that during the year there were five complaints of kidnapping by PNC personnel.

On September 22, the Constitutional Court overturned the Supreme Court's December 2009 decision to reopen the case of the forced disappearance of Efraín Bamaca Velasquez in 1992 in accordance with an order issued in 2002 by the Inter-American Court of Human Rights. In explaining its decision, the Constitutional Court noted that the Inter-American Court of Human Rights decision ordered the Government to conduct a new investigation rather than to reopen the case. In response to the Constitutional Court's decision, on December 10, the Inter-American Court of Human Rights ordered the Government to fully investigate the case.

On October 29, former PNC officer Hector Roderico Rodriguez Rios and retired PNC officer Abraham Lancerio Gomez were sentenced to 40 years each in jail for the 1984 forced disappearance of labor leader Edgar Fernando Garcia; two additional suspects, Hugo Rolando Gomez Osorio and Alfonso Guillermo de Leon Marroquin, remained at large, and their whereabouts were unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, government agents did not always respect these provisions. 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 October 14, police officers Carlos Alberto Fuentes Gomes and Lisandro Florentino Jochin Lopez were arrested for allegedly beating to death Byron Canadro Gomez when he resisted arrest on September 28. At year's end there were no further developments regarding this case.

During the year there were a number of reported incidents throughout the country, particularly in rural areas, of vigilante mobs publicly beating, humiliating, and sometimes killing, persons suspected of criminal acts. There were no reports regarding investigations of these incidents.

Prison and Detention Center Conditions.—Prison conditions remained harsh and dangerous, and there were multiple instances of killings by inmates. 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. Prisons had inadequate provisions for sanitation, ventilation, temperature, lighting, basic emergency and medical care, and access to potable water. Illegal drug sales and use were widespread. Prison officials reported frequent escape attempts, gang fights, and other manifestations of prisoner unrest. Prisoners reportedly used cell phones frequently to demand extortion payments, coordinate kidnappings for ransom and killings of bus drivers and assistants, and direct other criminal activity both inside and outside the prison. Several prisons installed equipment to block such calls, but this equipment frequently did not operate.

Inadequate security measures undermined the penitentiary system's ability to control prisoners effectively; there were only 2,250 prison guards nationwide. In the prisons, 16 percent of inmates reportedly belonged to gangs, which were active in these 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 nongovernmental organizations (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.

Prison overcrowding continued to be a problem. According to the prison system registry, as of mid-July, 19 prisons and jails designed to hold 6,974 persons held 11,140 inmates. Of the national penitentiary system population, approximately 50 percent was in pretrial detention; 743 were adult women.

At year's end Jorge Torres, director of the Pavoncito Preventive Prison and seven prison guards were in preventive detention awaiting trial for alleged involvement in the February 2009 escape of inmate Leonel Giovanni Herrera Reyes.

At year's end inmates Byron Alberto Morales Villatoro, Carlos Esteban Galindo Pardo, Jose Armando Sapon Ola, and Leopoldo Zaid Castillo Beloso, who escaped in September 2009 from Quetzaltenango Preventive Prison, remained at large. During the year, Wilmer Armando Argueta and Bartoleme Teni Cuc were recaptured and returned to preventative prison. On September 3, PNC officials Gonzalo David Morales, Hilario Antonio Lopez, Juan Carlos Mendez, Jose Pedro Rojas, and Francisco Javier Agustin were sentenced to 10 years in prison for their role in allowing the escape.

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; on rare occasions, juveniles and adults were held together. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities did not regularly investigate credible allegations of inhumane conditions and document the results of such investigations in a publicly accessible manner. The Government investigated and monitored prison and detention center conditions.

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; such visits took place throughout the year.

The human rights ombudsmen does not have authority to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders in order to alleviate inhumane overcrowding, to address the status and circumstances of confinement of juvenile offenders, or to improve pretrial detention, bail and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

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 deadline, and magistrates sometimes failed to hold a hearing within the legally mandated 24-hour period.

Role of the Police and Security Apparatus.—The 24,260-member PNC, headed by a director general appointed by the minister of government, has responsibility in law and practice for law enforcement and maintenance of order in the country. The PNC remained understaffed, inadequately trained, and insufficiently funded, which substantially impeded its effectiveness.

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 PNC operational control continued in Guatemala City high-crime areas as well as other areas.

Police impunity for criminal activities remained a serious problem. There were credible reports that individual PNC officers and some police units or persons disguised as police officers stopped cars and buses to demand bribes or steal private property, and in some cases kidnapped, assaulted, and raped victims. Police and immigration officials reportedly extorted and mistreated persons attempting to enter the country illegally. The PNC routinely transferred officers suspected of wrongdoing rather than investigating and punishing them.

Police threatened persons engaged in prostitution and other commercial sexual activities with false drug charges to extort money or sexual favors and harassed lesbian, gay, and transvestite persons with similar threats. Critics accused police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned suspected gang members without warrants or sometimes on false drug charges.

At year's end the Public Ministry continued its investigation of former PNC officials Porfirio Perez Paniagua, Victor de Jesus Lopez, and Hector David Castellanos Soto in relation to an alleged attempted theft of a large quantity of cocaine during a counternarcotics operation in 2009. At year's end former police officials Porfirio Perez Paniagua, Benigno Lopez Fuentes and Mario Roberto Castillo remained in custody awaiting trial for allegedly stealing \$350,000 in cash in 2009.

At year's end there were no developments, and none were expected, regarding the arrest in 2008 of two deputy PNC commissioners and 12 other PNC officers for alleged involvement in a Guatemala City criminal group.

The PNC's Office of Professional Responsibility (ORP), which is the mechanism for investigating security force abuse, conducted internal investigations of misconduct by police officers. During the year the ORP reported receiving 1,009 complaints, which included three complaints of killings, three forced disappearances, five kidnappings, 34 illegal detentions, 46 thefts, five rapes, 60 threats, and 224 cases of abuse of authority.

During the year the ORP investigated 787 police officers; 439 of these were exonerated. While no officers were fired as a result of these investigations, the ORP referred 348 cases with sufficient evidence of criminal activity to the Public Ministry for further investigation and possible prosecution. Few such cases went to trial. The PNC trained 3,001 cadets in human rights and professional ethics. The army required civil affairs officers at each command to plan and document human rights training provided to soldiers. As of year's end, 6,490 military officers and soldiers had received human rights training, according to the Ministry of Defense.

Approximately two-thirds of police districts remained understaffed. Indigenous rights advocates asserted that continuing lack of sensitivity by security authorities to indigenous cultural norms and practices engendered misunderstandings and complained that few indigenous police officers worked in their own ethnic or linguistic communities.

Arrest Procedures and Treatment While in 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. However, this right was not respected effectively in practice. 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 prohibits the execution of search warrants between 6 p.m. and 6 a.m. unless a state of siege has been declared. 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. A judge has the discretion to determine whether bail is necessary or permissible for pretrial detainees, depending on the circumstances of the charges.

During the year the ORP received 34 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 continued to operate five 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. Authorities did not release some prisoners in a timely fashion after completing full sentences due to the failure of judges to issue the necessary court order or due to other bureaucratic problems.

e. Denial of Fair Public Trial.—While the constitution and the law provide for an independent judiciary, the judicial system often failed to provide fair or timely trials due to inefficiency; corruption; insufficient personnel and funds; and intimidation of judges, prosecutors, and witnesses. The judiciary was generally independent in practice. Very few reported crimes were investigated or prosecuted; fewer resulted in conviction. 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 ineffectiveness and manipulation of the judiciary. Judges, prosecutors, plaintiffs, and witnesses also continued to report threats, intimidation, and surveillance. During the year the special prosecutor for crimes against judicial workers received 154 cases of threats or aggression against workers in the judicial branch, compared with 68 in 2009.

The Ministry of Government assigned police officers to the International Commission to Combat Impunity in Guatemala (CICIG) to augment security. The CICIG-vetted prosecutor unit, created by the Public Ministry, continued to be directly supervised by a senior CICIG prosecutor. At year's end CICIG continued its investigation of 27 high-profile cases, 11 prosecutions, and various cases involving killings of women, bus drivers, and assistants; trafficking in persons; and attacks against and killings of unionists and human rights defenders.

There were credible reports of killings of witnesses. On April 18, unknown assailants shot to death Lidia Estela Estrada Navas in El Chaguite, Jalapa. Estrada was the sole survivor and witness to a massacre committed in April 2009, which resulted in the death of five of her family members. Estrada had reported to authorities that she received death threats, but the Public Ministry did not provide her with requested protection. By year's end 178 persons were in the Public Ministry's witness protection program.

At year's end there were no developments, and none were expected, in the 2008 killings by unknown gunmen of Judge Jose Vidal Barillas Monzon, president of the Appeals Court of Retalhuleu and Assistant Homicide Prosecutor Juan Carlos Martinez.

The Supreme Court 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 906 complaints of wrongdoing and held hearings for 888 complaints during the year and applied sanctions to several cases, ranging from written notice to 30-day suspension. Between January and July, the Judicial Disciplinary Unit sanctioned 10 judges.

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 in a timely manner. Juries are not used at trials. The Government provides at public expense attorneys for defendants facing serious criminal charges. Defendants and their attorneys have access to government-held evidence relevant to their case. The law provides for plea bargaining, and the right of 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, although inadequate government funding limited effective application of this requirement. The Public Ministry utilized 20 interpreters nationwide, including in former conflict areas of the country, and the Office of the Public Defender employed 44 bilingual public defenders in locations where they could also serve as translators.

The Public Ministry, acting semi-independently 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.—Citizens had access to administrative and judicial remedies to bring lawsuits seeking damages for, or cessation of, a human rights violation or other alleged wrongs. While the judiciary was generally impartial and independent in civil matters, it suffered from inefficiency and institutional weaknesses. There were problems in enforcing civil court orders. Some killings resulted from PNC failure to enforce restraining orders promptly.

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 October 13, authorities absolved Chief of Presidential Security Carlos Quintanilla of charges he had placed listening devices in the offices of the president and first lady. At year's end Gustavo Solano, former head of the Secretariat of Strategic Analysis, was awaiting trial on the same charges.

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.

The independent media, including international news organizations, operated freely and actively and expressed a wide variety of views without overt government restriction. Some members of the press reported receiving pressure by various public officials regarding the selection and content of reporting. Some owners and members of the media also accused the Government of following a discriminatory advertising policy, particularly with respect to leading print and broadcast media that expressed news or commentary perceived as critical of the president, his administration, the first lady, or public officials and programs.

Members of the press claimed that increasing levels of impunity and violence in the country, particularly associated with narcotics trafficking, threatened the practice of free and open journalism. The press also complained of threats made against

them by organized crime and drug-trafficking organizations, noting that these threats increased their sense of vulnerability.

The Special Prosecutor's Unit for Crimes against Journalists and Unionists received 25 complaints of attacks and other acts of intimidation against journalists. The MP reported 13 incidents of intimidation of journalists, compared with 24 during 2009.

On February 26, the Public Ministry reportedly sent two prosecutors to harass La Hora newspaper for reporting about Mi Familia Progresista government cash transfer program for the impoverished.

On April 8, an unknown assailant shot and injured journalist, Luis Felipe Valenzuela. At year's end no one had been arrested in relation to the shooting, and the case remained open.

On June 24 and again on September 29, unknown persons broke into the home and stole computer files of El Periodico reporter Marvin del Cid Acevedo, who had been undertaking investigative reporting on corruption. There were no arrests by year's end.

There were no developments, and none were expected, in the following cases from 2008: the killing of Prensa Libre correspondent Jorge Merida Perez in Coatepeque, Quetzaltenango; the death threat against Prensa Libre news correspondent Danilo Lopez in Suichitepequez, and the shooting attack on the home of Radio Punto news correspondent Edin Rodelmiro Maaz Bol in Coban.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Leading independent print, broadcast media, and a growing number of small and medium-size news organizations featured Internet editions and operated freely. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were 16 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 constitution and the law provide for freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 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 forced exile (internal or external) in practice.

Protection of Refugees.—The constitution and the law provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

During the year the Government received 10 requests for refugee status and accorded asylum, or refugee status to seven persons.

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, including choosing the president, 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 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 during the election campaign.

There were 20 women in the 158-seat Congress. A total of 319 women served as judges nationwide, including one each on the Supreme Court and the Constitutional Court. There were no women in the 13-member cabinet. Six of the country's 332 mayors were women.

There was one indigenous cabinet member, no indigenous Supreme Court justices, 113 indigenous mayors, and approximately 20 indigenous members of Congress.

Section 4. Official Corruption and Government 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. There was substantial corruption within the police force and the judiciary.

Government corruption was widely perceived to be a serious problem and was so reflected in World Bank governance indicators. The Public Ministry continued to prosecute for corruption former president Alfonso Portillo, former vice president Reyes Lopez, and other senior members of previous governments.

On March 8, Congresswoman Nineth Montenegro announced that unknown persons had made death threats against her. The press reported that Montenegro had been conducting corruption audits on public spending by the National Peace Fund. At year's end the case remained open, and no arrests had been made.

On May 14, authorities fired Deputy Director of the Prison System Carlos Schwarz for allegedly extorting inmates.

By year's end several former government officials were under arrest, awaiting trial, or fugitives from justice on corruption-related charges involving refurbishing the Fraijanes II Detention Center. On May 28, authorities arrested Oscar Humberto Andrade Elizondo and Ricardo Gustavo Maldonado Ortega, and Ricardo Alfonso Lancerio Ignacio on suspicion of stealing 17 million quetzales (\$2.1 million). The three had served as officers for the Foundation for Development and Technology (Fundtech). In September authorities arrested Rodrigo Lainfiestaon on fraud and money laundering charges, for receiving a check for 600,000 quetzales (\$75,000) from Fundtech, and former Office of the Comptroller General's auditors Fernando Rodriguez Trejo, Francisco Javier Alvarado, Carlos Enrique Lopez Gutierrez, Luis Alvarez Pereira and Francisco Villatoro for alleged corrupt activities related to Fundtech. Authorities were also investigating former minister of government Raul Velasquez and former minister of government Salvador Gandara in relation to this case.

On July 23, authorities placed under house arrest former minister of government Francisco Jimenez on suspicion of abuse of authority and conspiracy to commit fraud with respect to a 2006 contract between the National Register (RENAP) and the private company Easy Marketing to issue the new national identification documents. Other public officers under investigation in relation to the case included former RENAP director Enrique Cossich, former RENAP directorate member Mauricio Radford, Electoral Tribunal magistrate Patricia Cervantes, and former vice minister of government Angel Rodriguez Tello.

On August 25, authorities sentenced former PNC Director Baltazar Gomez and former PNC Deputy Logistics Director Hector Lepoyeu to five years each in prison for their role in embezzling 52 million quetzales (\$6.5 million) in gasoline coupons for PNC patrol units. Former Minister of Government Raul Velasquez and former secretary of presidential administrative affairs Juan Carlos Leal Medina remained at large for their alleged participation in the case.

At year's end there were no developments regarding the case of former minister of defense and former minister of government Eduardo Arevalo Lacs, who remained in custody awaiting trial since 2009 for embezzling 120 million quetzales (\$15 million). At year's end former president of Congress Eduardo Meyer and Ruben Dario Morales remained under house arrest, and Mercado de Futuro General Manager Raul Giron remained in preventive prison in connection with the illegal transfer in 2008 by private secretary Byron Sanchez of 83 million quetzales (\$10.3 million). Sanchez and former congressional chief financial officer Jose Conde, also wanted in the case, remained at large.

At year's end the Public Ministry continued its investigation that began in 2009 of former president of Congress Ruben Dario Morales, who remained under house arrest for embezzlement and fraud of 300,000 quetzales (\$37,500) of congressional funds in 2007.

At year's end the Constitutional Court had accepted a request, but had not taken further action, to extradite former President Portillo to the United States to face charges of embezzlement allegedly committed during his presidency. Portillo and former minister of finance Manuel Maza, arrested on March 12 for his involvement in the case, remained in preventive prison.

As of November authorities continued investigating retired general Enrique Rios Sosa, Captain Pedro Adolfo Catalan Munoz, and retired lieutenant Miguel Angel Salguero Torres, as well as 29 other members of the military in relation to alleged document forgery and embezzlement between 2001 and 2003 during the Portillo administration. Rios Sosa, Catalan Munoz, and Salguero Torres remained under arrest in detention, and retired colonel Sergio Hugo Cardenas Sagastume, Captain Rodolfo Leonel Chacon Alvarez, and Colonel Luis Alberto Gomez Guillermo remained under house arrest.

Public officials who earn more than 8,000 quetzales (\$1,000) per month or who manage public funds are subject to financial disclosure laws overseen and enforced by the Controller General's Office. Lack of political will and rampant impunity facilitated government corruption.

The law provides for the right of citizens to access public information and establishes fines for government agencies that obstruct such access. In practice the Government granted, but at times in a slow and incomplete manner, access for citizens and noncitizens, including foreign media, to public information. If the Government denied requests for information, it at times provided unclear reasons for denying the request. There is no formal mechanism to appeal such denials. However, petitioners often appealed to the Office of the Human Rights for assistance relating to a government denial of public information. The press criticized the Government for not having provided sufficient resources to allow government and publicly funded offices to comply fully with the access to public information law.

Section 5. 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, open to their views, responded to their inquiries, and at times took action in response to their reports and recommendations.

A number of NGOs, human rights workers, and 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.

The Office of the Special Prosecutor for Human Rights opened 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.

The NGO Guatemalan Human Rights Defenders Protection Unit reported that there had been eight killings of human rights defenders during the year. On January 14, unknown persons in Quetzaltenango shot to death Evelinda Ramirez Reyes, president of the NGO Resistance Front in the Defense of Natural Resources (FRENA), which had demonstrated against electric company Union Fenosa. On February 17, unknown assailants in Malacatan shot to death FRENA member Octavio Roblero.

On December 7, unknown persons in Huehuetenango kidnapped driver Victor Lopez and Emilia Margarita Quan Staackmann, an anthropologist working for Guatemala Western Border Center for Studies and Documentation (CEDFOG). Lopez was released by the kidnappers. Quan, who had been hit and tied up, was found dead a day later. Police arrested Evelio Aristides Rivas and Jorge Hernan Lopez, two of the four suspects. Local persons lynched the two suspects before they could be interrogated by authorities regarding the crime and their motive for committing it. At year's end there were no further developments in the case.

There were no known developments, and none were expected, in the Public Ministry's investigations of cases reportedly involving violence and intimidation against human rights defenders: death threats in 2008 against Bishop Alvaro Ramazzini, indigenous leader Amilcar Pop, and a family member of Norma Cruz, director of the Survivors Foundation; and the killing of indigenous community leader Antonio Morales Lopez.

The resident Office of the UN High Commissioner for Human Rights advised and assisted the Government and monitored the human rights situation. The Government cooperated with the office and other international organizations, including the International Commission to combat Impunity in Guatemala. Between May 12 and 18, UN Special Rapporteur on the Right to Health Anand Grover visited the country to review health issues. Between June 14 and 15, UN Special Rapporteur on the Rights of Indigenous People James Anaya visited the country to hold consultations

and collect information about licensing of natural resources extraction on indigenous lands.

The Office of the Human Rights Ombudsman (PDH), headed by Sergio Morales, reports to Congress and monitors the human rights set forth in the constitution. The PDH operated without government or party interference, had the Government's cooperation, and issued reports and recommendations that were made public, including an annual report to Congress on fulfillment of its mandate. The PDH did not have adequate resources but was considered reasonably effective and trusted by the public.

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 before the IACHR, and negotiating amicable settlements in cases before the Inter-American Court of Human Rights. COPREDEH also led coordination of police protection for various human rights and labor activists during the year. COPREDEH enjoyed the Government's cooperation and operated without government or party interference. It did not have adequate resources but was considered reasonably effective and had the trust of the public.

The Congressional Committee on Human Rights drafts and provides advice on legislation regarding human rights matters. By law all political parties represented in 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. The committee was not independent of party or government influence.

Section 6. 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.—Rape and other sexual offenses remained serious problems. However, there were no reliable statistics to approximate the pervasiveness of these crimes. The law criminalizes rape, including spousal rape and aggravated rape, and sets penalties between five and 50 years in prison. The law also establishes penalties for physical, economic, and psychological violence committed against women because of their gender. However, the Government did not enforce the law effectively. At year's end 786 cases of economic abuse, including withholding earnings of victims, and 43,803 cases of sexual abuse and other forms of physical violence had been reported.

On September 10, a court sentenced Abelino Mendez to 37 years in jail for 14 rapes he committed between 2007 and 2008. Victims complained that the court did not base the sentence on new legal provisions, which provide harsher penalties for perpetrators of violence against women.

Police had minimal training or capacity to investigate sexual crimes or assist victims of such 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. According to NGOs, rape victims frequently did not report crimes due to lack of confidence in the justice system and fear of reprisals.

Violence against women, including domestic violence, remained a common and serious problem. Economic difficulties resulting from flooding and other natural disasters during the year contributed to increases in violence against women, as measured by increased police reporting and victim use of NGO counseling and shelter services. The law prohibits domestic abuse, provides for the issuance of restraining orders against alleged aggressors and police protection for victims, and requires the PNC to intervene in violent situations in the home. In practice, 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 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 12,641 cases of domestic violence.

According to press reports, the Government's Program for Prevention and Eradication of Intrafamily Violence, under the first lady's Secretariat of Social Work, received on average seven calls daily from battered women and children via its three emergency hotlines. At year's end the Public Ministry reported that it received more than 43,803 complaints of violence against women and children, including domestic violence, economic violence, and sexual crimes. Of the 4,365 complaints of sexual

crimes, at year's end the Government reported 45 convictions. The Public Ministry did not provide data on punishment.

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.

Killings of all types continued, including those with reported evidence of sexual assault, torture, and mutilation of women. The PNC reported 5,960 killings during the year, including 695 killings of women, compared with 6,498 total killings, including 720 women, in 2009. There were 13 prosecutions for killings of women in Guatemala City during the year, but few prosecutions resulted in convictions.

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. The Institute of Public Criminal Defense hotline to assist female victims of physical violence received 59,319 calls during the year.

A Guatemala City women's shelter for victims of violence continued to operate with capacity to house 20 victims and their families for six months at a time. There were also two other shelters for women and their children, with a capacity to house 40 persons each, in Guatemala City and Quetzaltenango. The Government, along with foreign donors, provided funding for these three shelters. There were also an unknown number of smaller private shelters operating in the countryside.

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.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of children, free from discrimination, coercion, and violence. The Government provided access to family planning information and sex education throughout the public health system. Planned Parenthood Federation of America (PPFA) noted, however, that among the population in general, there was a low level of knowledge regarding family planning methods and the female reproductive cycle. The Population Reference Bureau reported a contraceptive use of 43 percent among married women. The PPFA reported that access to reproductive health care was not equal throughout the country, with cultural, geographic, and linguistic barriers, particularly in indigenous areas, preventing women and men from accessing reproductive health services.

Discriminatory attitudes among health care providers and a lack of culturally sensitive maternal health services deterred many indigenous women from accessing these services. The UN Population Fund estimated that the maternal mortality rate was 110 deaths per 100,000 live births in 2008. The PPFA reported that hemorrhages and other obstetrical complications during pregnancy, birth, and the postpartum period were principal causes of maternal mortality. The National Survey on Infant and Maternal Health reported that between 2008 and 2009, among women who received prenatal care, 63 percent of rural women used services at home or from a traditional midwife, and 76 percent of urban women went to clinics or hospitals.

Women and men had equal access to diagnosis and treatment for HIV and other sexually transmitted infections.

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. They 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 the president on inter-agency coordination of policies affecting women and their development. The sec-

retariat's activities included seminars, outreach, and providing information on discrimination against women.

Children.—Citizenship is derived by birth within the country's territory and from one's parents. 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.

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 55 convictions in the 67 child abuse cases.

The Secretariat of Social Welfare, 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.

There were credible reports of forced early marriages in some rural indigenous communities. There were no reported government efforts to combat child marriage.

Child prostitution remained a problem. Child sex tourism was a growing problem, with credible reports of child sex tourism in Antigua, Guatemala City, and Solola. The minimum age of consensual sex is 18. The Law against Sexual Violence, Exploitation, and Trafficking in Persons provides sentences ranging from 13 to 24 years in prison, depending on the victim's age, for sex with a minor. The law also prohibits child pornography and establishes penalties of six to 10 years in prison for the production, promotion, and selling of child pornography and two to four years' imprisonment for possession of it.

Rescue operations conducted by the Government during the course of the year resulted in the rescue of approximately 21 sexually exploited minors under age 18. The Secretariat of Social Welfare handled two child protection cases, including cases of sexually exploited minors, as part of a national plan to combat the commercial sexual exploitation of children. The Office of the Attorney General achieved convictions in two cases of child prostitution.

Credible estimates put the number of children who were members of street gangs at 3,000 nationwide. Many street children had left home after being abused. Criminals often recruited street children for purposes of stealing, transporting contraband, prostitution, and illegal drug activities. The NGO Mutual Support Group reported that through October, 55 minors suffered violent deaths 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 girl's shelter in Antigua and a boy's shelter in San Jose Pinula. Two other shelters in Quetzaltenango and Zacapa served both boys and girls. The Government devoted insufficient funds to shelters, and authorities often preferred to send juveniles to youth shelters operated by NGOs. The Government provided no funding assistance for shelter costs to these NGOs. Security authorities incarcerated juvenile offenders at separate youth detention facilities.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish population numbered approximately 2,000 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. 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 addressing the problem. The law does not mandate that persons with disabilities have access to information or communications.

There were minimal educational resources for persons with special needs, and the majority of universities did not have accessibility facilities for persons with disabilities. The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living condi-

tions, and adequate professional staffing. The National Council for the Disabled, composed of representatives of relevant government ministries and agencies, is the principal government organ responsible for protecting the rights of persons with disabilities. It met regularly to discuss initiatives and had a budget of five million quetzales (\$625,000).

Indigenous People.—Indigenous persons from 22 ethnic groups constituted an estimated 43 percent of the population. The law provides for equal rights for indigenous persons and obliges the Government to recognize, respect, and promote their lifestyles, customs, traditions, social organizations, 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. Indigenous lands often were not effectively demarcated, making formal recognition of titles to land they occupied or claimed frequently problematic.

In March unknown actors made telephone death threats against Jorge Morales Toj, community organizer and lawyer for the Mayan Youth Movement, reportedly to force him to discontinue his efforts to raise public awareness about environmental degradation in indigenous communities. At year's end there was no information regarding any investigation of these incidents.

On August 25, unknown assailants in Solola killed Mayan cultural activist and community leader Leonardo Lisandro Guarcax Gonzalez. In May 2009 Jesus Ernesto and Carlos Emilio Guarcax Gonzales, Mayan activists and cousins of Lisandro Guarcax, were also killed attributably in connection with extortion, retribution from corrupt local government officials, or community territorial power struggles. At year's end there was no information available regarding any investigations of these killings.

Many indigenous persons were illiterate, and approximately 29 percent did not speak Spanish, according to the 2006 National Statistics Institute National Survey of Life Conditions report, the latest data available. 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 same 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 93,987 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 (\$5,000) and only three employees 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 were 118 judges who spoke Mayan languages among the 536 tribunals in the country. There were 110 court interpreters, including 101 bilingual Mayan speakers, and the Supreme Court reported that the judicial system had 1,027 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Lesbian, gay, bisexual, and transgender (LGBT) rights support groups alleged that members of the police sometimes waited outside clubs and bars frequented by sexual minorities and demanded that persons engaged in commercial sexual activities provide protection money. A lack of trust in the judicial system and a fear of further persecution or social recrimination discouraged victims from filing complaints. There was general societal discrimination against LGBT persons in access to education and health care, employment, statelessness, and housing. The Government undertook minimal efforts to address this discrimination.

Other Societal Violence or Discrimination.—The law does not expressly include HIV/AIDS status among the categories prohibited from discrimination, and there was societal discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—While the law provides all workers, with the exception of security force members, the right to form and join trade unions of their choice, violence against unionists and worker activists combined with weak and ineffective enforcement of labor and employment laws restricted this right in practice.

The 2009 official report reviewing a 2008 public submission under the Dominican Republic-Central American-U.S. Free Trade Agreement (CAFTA-DR) noted serious, systemic problems regarding labor law enforcement in the areas of freedom of association, collective bargaining and acceptable conditions of work. The Government took part in formal cooperative labor consultations under CAFTA-DR during the year but failed to take concrete enforcement action to measurably improve compliance with the country's labor laws.

According to figures compiled by the Guatemalan Labor, Indigenous, and Peasant Movement, only 2.2 percent of the country's economically active workforce of 5.4 million workers was unionized. Of the 118,017 workers that belonged to unions, only 12.5 percent, or 13,103, were workers in the private sector. The remaining 91,890 unionized workers belonged to unions in the public sector.

Legal recognition of a new industry wide union requires that the membership constitute 50 percent-plus-one majority of the workers in an industry. The International Labor Organization reiterated its concern that the requirement restricted the free formation of unions. The law also restricts union leadership to Guatemalan citizens.

The Ministry of Labor granted legal status to 29 labor unions, compared with 72 during 2009. Most of these new organizations were small unions in the countryside, primarily in the agricultural and municipal sectors. Although there were 2,035 legally registered labor unions, administrative registration records indicated that about two thirds appeared to be active. The law allows unions to conduct their activities without government interference.

Violence and threats against trade unionists remained serious problems. Several labor leaders were killed and others reported receiving death threats and being targets of other acts of intimidation. The Unit for the Protection of Guatemalan Human Rights Defenders indicated in its annual report that 36 trade unionists had been attacked and at least three of these killed by unknown assailants. The International Labor Organization (ILO) Committee of Experts stressed its deep concern regarding violence against trade union leaders and members and also concluded that the Government had not demonstrated sufficient political will to combat violence against trade union leaders and members or combat impunity.

On January 29, Pedro Antonio Garcia, a leader in the Malacatan Municipal Workers Union in the department of San Marcos was murdered. Prior to his death, the union was involved in a labor dispute with the municipality regarding its alleged failure to comply with a collective agreement and the payment of wages.

On March 6, Luis Felipe Cho, a member of the Consultative Council of the Santa Cruz Municipal Workers' Union in the department of Alta Verapaz was killed following threats related to his trade union activities.

The deaths of four union members belonging to the Guatemalan National Health Care Workers' Union and the serious wounding of a fifth in a series of separate shooting incidents during the second half of the year may have been related to union activity although no evidence emerged to indicate that the shootings were directly related. At year's end, no one had been arrested in the shootings, which were under investigation as common crimes by local prosecutors rather than by the Special Prosecutor's Unit for Crimes against Journalists and Unionists.

On January 6, unknown actors kidnapped and tortured Maria Vasquez, deputy secretary general of the union of the company Winners, S.A. The Guatemalan Labor, Indigenous and Campesino Movement reported that the incident occurred shortly after Vasquez was named the union's deputy secretary general and raised concerns that the company was not complying with several labor laws.

On July 31, unknown assailants shot and wounded Rodrigo Garcia Cunen, secretary general of the Soledad Farm Workers' Union. Cunen had previously reported receiving death threats and requested, but did not receive, protective measures from the Government.

In May Jose Gabriel Zelada and Nilda Ileana Quex de Sincal of the NGO Center for Studies and Support for Local Development that promoted labor rights and supported a worker rights center in Chimaltenango, reported receiving phone calls containing death threats.

On October 18, Silvia Hernandez Ibarra, a member of a union-organizing committee at the Avandia apparel factory, received a letter threatening her with death if she did not quit her union position. The threat occurred a few days after a meet-

ing between Hernandez and auditors from Worldwide Responsible Accredited Production.

It was generally difficult to identify motives for killings, since most were not well investigated and went unprosecuted. Local unions urged that the killings of unionists be investigated and called for increased security for union leaders and members. The Special Prosecutor's Unit for Crimes against Journalists and Unionists within the Office of the Special Prosecutor for Human Rights was charged with investigating attacks against union members. The unit's small size (two full-time prosecutors and six assistant prosecutors) limited its effectiveness. The unit accepted 47 new union-related cases during the year, but did not report data regarding convictions for crimes against trade unionists.

There were no known developments in the Public Ministry's investigations in the following cases highlighted as examples of violence and intimidation against labor leaders and activists:

The April 2009 attack by gunmen on the house of Edgar Neftaly Aldana Valencia, secretary general of the National Health Professionals Union, San Benito branch, which reportedly has complained of corruption and discrimination at San Benito Hospital, Peten.

The October 2009 killing of Victor Galvez, a union leader who had demonstrated in front of the Peten Distributor Employees Union.

The 2008 killing of labor leader Miguel Angel Ramirez Enriquez, a founder of the Union of Banana Workers of the South.

The 2008 killing of Carlos Enrique Cruz Hernandez, a member of the Union of Banana Workers of Izabal.

The 2008 killing of Freddy Morales Villagran, a member of the Consultative Council of the Peten Distributor Employees Union.

The 2008 killing of Edwin Portillo, treasurer of the Pension Administration Board and member of the port workers union of the National Santo Tomas Port Company.

Workers have the right to strike, but by law must have the support of 51 percent of a company's workforce. Such procedural hurdles, combined with the small number of unionized workers and ongoing impunity for employers ignoring court orders protecting freedom of association and collective bargaining, limited this right in practice. The judiciary's statistical department reported that there were two legal strikes during the year. However, teachers, health-care workers, farm workers, and other labor groups organized and participated in various protests, marches, and demonstrations.

The law prohibits employer retaliation against strikers engaged in legal strikes. However, 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 empowers the president and cabinet to suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." The Government defined "essential services" broadly, thus denying the right to strike to a large number of public workers, such as those working in education; postal services; transport; and energy production, transport, and distribution. Workers in such essential services and public services sectors may 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.

Organized labor continued to object to the Government's use of national security and emergency arguments to enjoin what organized labor considered "legal" strikes. Unions also continued to criticize arrests, incarcerations, and fines imposed against protesters as violations of ILO conventions on the right to strike.

b. The Right to Organize and Bargain Collectively.—The law provides the right to organize and allows unions to bargain collectively. In practice, the Government did little to investigate, prosecute, and punish employers who violated this law. The law requires that union members approve a collective bargaining agreement by simple majority; however, the small number of unionized workers and restrictions on union formation limited the practice of collective bargaining. In particular, formation restrictions effectively eliminated the possibility for workers to exercise their rights to negotiate and engage employers formally at an industry level (see section 7.a.).

According to the law, a factory or business owner is not obligated to negotiate a collective bargaining agreement unless at least 25 percent of the total number of workers in that factory or business are union members and request negotiations. Many employers ignored judicial rulings requiring the employer to negotiate with recognized unions. Most workers, including those organized in trade unions, did not have collective contracts documenting their wages and working conditions, nor did they have individual contracts as required by law. The Ministry of Labor reported

that there were 27 new collective bargaining agreements, including agreements reached with teachers and health workers unions, during the year.

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.

An active "Solidarismo" (a national solidarity association movement) claimed to have 90 affiliated associations with approximately 30,000 members. Another 95 independent, nonaffiliated associations claimed approximately 60,000 members. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to belong to either or both.

The law prohibits antiunion discrimination and employer interference in union activities, but enforcement of these provisions remained weak. Many employers routinely resisted union formation attempts and there were credible reports of retaliation by employers against workers who tried to exercise their 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, and threats of factory closures. Employers threatened to not renew contracts or offer subcontracted workers permanent employment if the worker joined a union or refused to disaffiliate. There continued to be reports that management or persons hired by management harassed and made death threats against workers who did not accept employer dismissals or refused to forfeit their right to reinstatement.

Local unions reported that businesses continued to use fraudulent bankruptcies, ownership substitution, and re-registration of companies to circumvent legal obligations to recognize newly formed or established unions. Unions and workers also reported that employers subdivided into smaller companies in order to make it more difficult for nascent unions to find the 20 supporters required. Government institutions continued to tolerate these practices.

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 221 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 with impunity.

Some employers refused to permit labor inspectors to enter facilities to investigate worker complaints. In some instances, inspectors failed to take action to ensure access to worksites. Penalties for labor law violations were inadequate and rarely enforced. This was further compounded by the fact that only labor courts, and not labor inspectors, have the authority to impose sanctions for labor law violations. Procedures to impose and enforce penalties were not utilized, utilized late, or never enforced, thus making them typically slow and ineffective. The labor courts had a backlog of cases regarding the reinstatement of workers. The length of time to process such cases was excessive, with cases often taking two to four years and some lasting more than 10 years. The delay in processing legal complaints, from submission to final resolution, facilitated impunity for employers.

During the year the labor courts received 1,099 cases from the Labor Inspectorate and issued 401 decisions. Court decisions favorable to workers were rarely enforced due to frequent refusals by employers to honor the decisions.

There are 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 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 with a new name and new tax exemption status. Of the 247 companies operating in the EPZs, only 11 had recognized trade unions; none had collective bargaining agreements. There were systemic violations of wage and hour laws, mandatory overtime at nonpremium pay, terminations of workers who tried to form unions, withholding of social security payments, and illegal pregnancy testing as a condition to obtain and retain employment.

c. Prohibition of Forced or Compulsory Labor.—The constitution and the law prohibit forced or compulsory labor; however, there were reports that Guatemalan men

and women were subjected to forced labor in agriculture and domestic service. There were also reports of forced child labor (see section 7d.).

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 where alcoholic beverages are served, in unhealthy or dangerous conditions, and at night or overtime. The legal workday for persons younger than 14 is six hours; for persons 14 to 17 years of age, seven hours. Despite these protections, some child laborers of all ages worked on average in excess of 45 hours per week.

The NGO Asociacion Proyecto Conrado de la Cruz estimated that the workforce includes approximately one million children between the ages of 5 and 17. In 2009 the ILO expressed deep concern about the situation of children under 14 years working in the country, noted that it appeared very difficult to apply in practice the national child labor legislation, and encouraged the Government to increase efforts to improve the situation of child laborers under age 14.

Most child labor occurred in rural indigenous areas. The informal and agricultural sectors regularly employed children below 14 years of age, usually in small family enterprises, and there were reports during the year that child labor existed in the production of broccoli, coffee, corn, fireworks, gravel, and sugar. Indigenous children also worked frequently in street sales, rubber and timber production, and as shoe shiners and bricklayer assistants.

Children, primarily indigenous girls, worked as domestic servants and were often vulnerable to physical and sexual abuse. In the Mexican border area, there were reports of forced child labor in municipal dumps and in street begging. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The Ministry of Labor's Child Worker Protection Unit 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 did not effectively enforce laws governing the employment of minors, a situation 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 committed, in accordance with the applicable ILO convention, not to provide such authorizations. In keeping with this commitment, the Labor Inspectorate reported that it had not made such authorizations during the year. The Government devoted insufficient resources to prevention programs.

e. Acceptable Conditions of Work.—The law set national minimum wages for agricultural and nonagricultural work and work in garment factories. The minimum wage was 63.70 quetzales (\$7.96) per day for agricultural and nonagricultural work and 59.45 quetzales (\$7.43) per day for work in garment factories.

The minimum wage did not provide a decent standard of living for a worker and family. In December the National Statistics Institute estimated that the minimum food budget for a family of five was 2,149 quetzales (\$268) per month. The basic basket for vital needs, including food and housing, was 3,922 quetzales (\$490). Labor representatives noted that even where both parents worked, the minimum wage did not enable a family to meet the basic basket of vital needs.

The Ministry of Labor conducted inspections to monitor compliance with minimum-wage law provisions, but the Government allocated inadequate resources to enable inspectors to enforce the law adequately, especially in the very large informal sector. Noncompliance with minimum wage provisions in the informal sector was widespread. Advocacy groups focused on rural sector matters estimated that more than half of the 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 within the informal sector and outside the basic protections afforded by law.

The legal workweek is 48 hours with at least one paid 24-hour rest period. Daily and weekly maximum hour limits do not apply to domestic workers. Time-and-a-half pay is 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 with impunity. 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, labor court inefficiencies, employer refusals to permit labor inspectors

into facilities or provide access to payroll records and other documentation, and inspectors' lack of effective follow-up in the face of such refusals. Moreover, labor inspectors were not empowered to adopt administrative measures or to impose fines, but had to send alleged violations to the labor courts, where decisions favorable to workers were rarely enforced.

The Ministry of Labor operated a call center that received 51,647 calls to request information or advice, or register complaints about labor law violations. Complaints were referred to labor inspectors and labor courts for further action. Local unions continued to highlight and protest violations by employers who failed to pay 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 system and reducing or underpaying workers' pension benefits during their retirement years.

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 that international observers considered generally free and fair. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. Security forces reported to civilian authorities.

The principal human rights abuses were complaints of unlawful killings by police, mistreatment of suspects and detainees by security forces, poor prison and jail conditions, and lengthy pretrial detention. Other problems included allegations of government corruption, including among police officials, and sexual and domestic violence against women and abuse of minors.

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, the Police Complaints Authority (PCA) received 13 complaints of unlawful killings.

On June 7, police officers, responding to a disturbance at a high school, shot and killed 16-year-old student Kelvin Fraser. The police said Fraser was shot during a scuffle, while an eyewitness said that Fraser was fleeing the scene at the time he was shot. A post-mortem examination found that Fraser died of shock and hemorrhage from trauma caused by gunshots fired at close range. On June 28, authorities charged police officer Quancy John with the murder. He was remanded to prison, and the case was transferred to the Wales Magistrate's Court and was pending at year's end.

There were no known developments in the investigation by the Office of the Director of Public Prosecutions in the April 2009 fatal shooting by an off-duty member of the Presidential Guard.

Murder charges remained pending against three on-duty members of the Coast Guard for the August 2009 killing of businessman Dweive Kant Ramdass. The case was set for a court hearing in early 2011.

At year's end prison officials Kurt Corbin and Gladwin Samuels awaited trial in the High Court for a 2008 manslaughter case.

In the 2008 case of extreme violence in Lusignan in which 11 persons were killed, Mark Williams, Dwane Williams, and James Hiles awaited trial in the High Court.

In the 2008 case of extreme violence in Bartica, in which 12 persons were killed, authorities in May 2009 charged five individuals: Mark Williams, Dennis Williams, Clebert Reece, Michael Caesar, and Roger Simon. The preliminary investigation concluded, and the case was scheduled for a court hearing in early 2011.

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; there were reports alleging mistreatment of inmates by prison officials. There were also allegations of police abuse of suspects and detainees; however, unlike in 2009, there were no reports of torture.

During the year the PCA received 11 complaints of unnecessary use of violence. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation.

On December 9, Detective Corporal Ricardo Inniss was accused of raping a 21-year-old woman who was in custody at the Turkeyen Police Station. The woman alleged that the detective, who was on duty, threatened her with continued confinement, took her into a room, and had sex with her against her will. The woman reported the incident, and the detective was detained. No charges had been filed at year's end.

The October 2009 case against three police officers, Sergeant Narine Lall, Constable Mohanram Dolai, and Corporal Oswald Foo, for maliciously wounding three suspects, 14-year-old Twyon Thomas, Deonarine Rafick, and Nouravie Wilfred, during a murder investigation remained pending at year's end. The complainants did not respond to court orders to appear to testify.

The Office of the Director of Public Prosecutions recommended dismissal from the Guyana Police Force (GPF) of police officer Lennox King, who allegedly sexually harassed and attempted to rape a Brazilian woman in November 2009.

In December 2009 authorities remanded police constable Gavin Holder to prison on charges of indecently assaulting a 15-year-old girl who was in police custody; authorities also charged police constable Gary Verwayne for the same offense. A court sentenced Gary Verwayne to two months' imprisonment, while Gavin Holder's case remained pending at year's end.

In December 2009 authorities arrested police constable Colin Jonas and an accomplice for robbing a businessperson of cash and jewelry worth 500,000 Guyanese dollars (\$2,500) at his shop in Crabwood Creek. The suspects were released on bail of 300,000 Guyanese dollars (\$1,500) in December 2009, and the case remained pending at year's end.

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 at the end of October, there were 2,122 prisoners in five facilities, which had a combined design capacity of 1,580. Approximately half of the prisoners were in Georgetown's Camp Street Prison, which was designed to hold 600 inmates but held 1,060. Overcrowding was in large part due to backlogs of pretrial detainees, who constituted approximately 41 percent of the total prison population. Government medical officers visit each prison location on a monthly basis. In addition, a medical staff consisting of a medical examiner, registered nurses, and assistant nurses provide daily treatment and monitor the sick as advised by the medical doctors. There were 83 female prisoners, all at the New Amsterdam prison. There were no juveniles in custody.

Unlike in past years when all newly hired prison guards received limited human rights training from the Guyana Human Rights Association, the association was not invited to perform training during the year.

Conditions improved at the Brickdam facility lockups this year, after the facility reopened following renovations, including improved cells and bathroom facilities. 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.

There were reported cases of death in prisons due to neglect or prison official abuse. On February 5, two prisoners died following a fight at the Georgetown Prison. An investigation concluded that inmate Soloman Blackman stabbed inmate Dyal Singh. Other inmates then beat and killed Blackman. Blackman had been diagnosed by a prison psychiatrist as mentally ill but was returned to the general prison population after he showed signs of improvement following medical treatment. Following the incident, the Guyana Prison Service announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison chaplains representing the major faiths in the country were appointed to all prison facilities. Prisoners and detainees are able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prisoners often circumvent procedures for submitting complaints by passing letters addressed to government officials to family members. The Government investigated and monitored prison and detention center conditions. On October 1, the minister of home affairs appointed chairmen

and members to the prison visiting committees of the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. These committees are required to monitor prison conditions and report findings to the Ministry of Home Affairs and the Prison Administration.

Juvenile offenders 16 years of age 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 leading some petty offenders to become involved in more serious criminal activity.

The Prison Authority reported that there were 83 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.

While the constitution provides for the appointment of an ombudsman who may investigate any action taken by any government department or authority in relation to the administrative functions of that department or authority, the position has been vacant since 2005. There was no indication that the Government declined to permit independent monitoring of prison conditions, but there were no known monitoring visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, during the year the PCA received 50 complaints of unlawful arrest.

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 2,884 officers and is responsible for maintaining internal security. The Guyana Defence Force (GDF) duties include defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF, headed by the chief of staff, consisted of approximately 2,600 troops; it falls under the purview of the Defense Board, which the president chairs.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. Public confidence in, and cooperation with, the police remained low. There were reports of corruption in the police force. Police force abuses may be reported to the PCA; however, the PCA does not possess an independent investigation unit. On occasion the GPF reportedly failed to respond adequately to narcotics-related violence.

The PCA received approximately 400 written and oral complaints, 230 of which were sent from the commissioner of police, primarily for police neglect of duties or misconduct in public places, unlawful arrest, illegal search, corrupt transactions, and unnecessary use of force.

As of November the GPF Office of Professional Responsibility received 186 complaints; it concluded 144 investigations, and 13 were sent to the director of public prosecutions. PCA efforts to conduct impartial and transparent assessment of the accusations it received were obstructed by staff shortages (five of eight full-time positions were filled), as well as the lack of an investigative unit. 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 receiving reports from the commissioner also thwarted the complaints process. Most cases involving charges against police officers were heard by lower magistrates' courts, where specially trained police officers served as the prosecutors.

Arrest Procedures and Treatment While in 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 cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, in practice these rights sometimes were not fully respected. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. However, the Legal Aid Clinic provides legal counsel at a reduced fee in certain circumstances, as determined by the Clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted 41 percent of the prison and detainee population. The average length of pretrial detention ranged from six to 18 months for those awaiting trial at a magistrate's court and for those awaiting trial in 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. Prisoner Justin John was taken into custody in 2003 and charged with murder; his trial was scheduled to begin in 2008, but in May 2010, he was among 23 prisoners who requested an early trial; he was freed on June 16 after the state was unable to produce witnesses in support of its case.

In May according to prison records, 132 inmates of the Georgetown Prison were scheduled to stand trial in the High Court; some had been incarcerated since 2003. Delays 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.

Trial Procedures.—Trials are public and defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury. Cases involving more serious crimes 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, it was limited to those who could afford to pay, except in cases involving capital crimes. 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.—There were no reports of political prisoners or detainees.

The case of former GDF officer Oliver Hinckson, whose indictment in 2008 for sedition some observers claimed was politically motivated, was dismissed on June 28.

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. There is access to courts to bring lawsuits seeking damages for, or cessation of, some human rights violations. 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 remedies in civil matters, and there was a large backlog of civil cases.

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; however, the Government's monopoly on radio broadcasting continued. The Government attempted to censor or restrict content; the Government sought indirectly to censor the print media by controlling advertising.

On August 9, the Government announced the establishment of a Web site through which procurement opportunities must be advertised. This announcement was made following the passage of legislation in the National Assembly to permit the publication of government procurement opportunities on a freely accessible Web site. Stabroek News claimed that after the announcement the Government Information Agency (GINA) placed no advertisements in Stabroek News or any other private newspapers, although some appeared in the Government-run Guyana Chronicle. Another newspaper, Kaieteur News, offered the Government free placements of advertisements based on the availability of space. Some attributed this pattern to a government attempt to deprive independent newspapers of advertising earnings.

Government officials used libel laws to suppress criticism, and the Government closed the UN-funded Media Monitoring Unit, established in 2006 to monitor media in advance of the elections.

On July 12, President Bharrat Jagdeo filed a libel suit for 10 million Guyanese dollars (\$50,000) against the publishers of the Kaieteur News; its editor in chief, Adam Harris; and columnist Frederick Kissoon. The suit stemmed from statements

in a June 28 article, "King Kong sent his goons to disrupt the conference." On July 13, the acting chief justice, Ian Chang, granted an interim injunction, restraining Kissoon, Harris, and the National Media and Publishing Company Limited, publisher of Kaieteur News, from reprinting the words or similar ones as contained in the column. The suit contends that the article contained "false and manufactured allegations" and was also "malicious, irresponsible, and inflammatory, calculated and designed to excite racial hostilities amongst the people of Guyana." The case remained pending at year's end.

On November 23, Minister of Agriculture Robert Persaud sued businessman and presidential hopeful Peter Ramsaroop and Property Holdings Inc. (owners of WRHM Channel 7) for 10 million Guyanese dollars (\$50,000) following the broadcast of a taped television show on November 7. The minister claimed he was libeled in that broadcast. On November 23, a judge granted an injunction barring the channel and Ramsaroop from repeating the alleged libel. The minister asserted that statements on the program suggested that "he is dishonest, had committed malfeasance in public office," and was "guilty of fraud and other kindred criminal offenses." The case remained pending at year's end.

On August 5, reporters Gary Eleazar from Kaieteur News; Colin Smith, editor of the Catholic Standard and local BBC correspondent; Arianna Gordon of the Guyana Times; and Victor Vanvield of Prime News were turned away from a press briefing at the Office of the President for not having a GINA pass. They were informed that they would not be allowed in without a GINA pass and that the Guyana Press Association accreditation was not acceptable. Cabinet Secretary Roger Luncheon stated that the Government would not surrender accreditation to any firm or entity other than GINA.

All radio stations operating on the electromagnetic spectrum are government controlled. In October 2009 the Court of Appeal ruled that the Government had an unlawful monopoly on the airwaves and that the National Frequency Management Unit was not adequately considering radio license applications. The Government's monopoly on radio broadcasting continued, limiting the expression of opposition views.

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 an estimated 29 Internet users per 100 inhabitants in 2009.

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 freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 UN Development Program Office and 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.

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 Government has not established a system for providing protection to refugees. In practice the Government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair 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. On December 2, the National Assembly passed the Local Authorities (Elections) (Amendment) Bill, which extended to December 1, 2011, the date for holding local-government elections. 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, declared the election substantially free and fair but found that ruling party use of government resources during the campaign disadvantaged opposition parties.

On February 16, the chief justice dismissed an election petition filed in the High Court by the minority party, Alliance for Change (AFC), in which the AFC claimed 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. The chief justice ruled that the party had breached a mandatory procedure by not filing the affidavit of service in a timely manner. The AFC filed the document 10 months after the petition, which the chief justice ruled was too long. The case was dismissed approximately three years after it was filed.

The constitution requires that one-third of each party list of candidates be women but does not require the parties to select women for seats. There were 20 women in the 65-seat National Assembly and five women in the 21-member cabinet.

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 three indigenous members. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. Five of the 21 cabinet members were Afro-Guyanese, including the prime minister and the head of the presidential secretariat; there were also two Amerindian cabinet ministers.

Section 4. Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, there were reports alleging government corruption and complacency in enforcing these laws with respect to officials engaged in corrupt practices. 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. In January there were 62 GPF members before the courts charged with various crimes including robbery, simply larceny, bribery, and indecent assault.

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 information without approval from senior administration officials.

Section 5. 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. Groups at times, however, complained that government officials were uncooperative and unresponsive to their views; when they did respond, it was generally to criticize.

The constitution allows for a governmental human rights commission, but it has not been established. While the constitution provides for an Office of the Ombudsman to provide redress to government employees, the ombudsman position has been vacant since 2005.

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

While the constitution prohibits discrimination based on race, gender, disability, language, social status, religion, or national origin, the Government did not always effectively enforce these prohibitions.

Women.—Rape and incest are illegal but were neither frequently reported nor successfully prosecuted. Rape is a problem and pervasive in society. Ineffective police and prosecutors resulted in few charges and fewer convictions.

On May 24, the president signed into law a Sexual Offenses Bill that broadened the definition of rape to include spousal rape, coercion, new child-sex offenses, and the creation of offenses for vulnerable adults with a learning disability or mental disorder. Other offenses, such as indecent exposure, voyeurism, and bestiality are included; the assumption that males under the age of 14 years are incapable of sexual intercourse was abolished.

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 apparent norm appeared to be a sentence of five to 10 years' imprisonment. During the year 42 persons were charged with rape and 20 were convicted (a figure that includes persons charged in preceding years). Additionally, during the year, 201 persons were charged with statutory rape and 53 were convicted (including persons charged in preceding years).

Domestic violence and violence against women, including spousal abuse, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars (\$500) and 12 months' imprisonment; however, this legislation frequently was not enforced because of a lack of willingness to press charges on behalf of the victims and/or a lack of confidence in obtaining a remedy through the courts. Some victims preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes and other reports of magistrates applying inadequate sentences to convictions. Additionally, cases that appear for a violation of protective order tend to be categorized as assault cases.

According to the nongovernmental organization (NGO) Help and Shelter, the GPF refurbished police units, which are required to include domestic violence units where victims can be counseled in private. The group noted discrepancies in police training for domestic violence, with some divisions actively involved in training, while others remained unfamiliar with the basic violence protection order. The GPF reported that it had established domestic violence units in four police divisions by year's end.

Help and Shelter handled 346 cases of abuse and violence, including child, spousal, and other domestic abuse, of which 24 were formally filed in a court. Of these, three were prosecuted and one was dismissed during the year. Investigations in the remaining 20 cases continued at year's end.

During the year the Ministry of Labour, Human Services and Social Security established a Task Force on Violence Against Women. A representative from Help and Shelter sits on the Task Force.

Help and Shelter ran a free shelter for victims of domestic violence and operated a hotline to counsel victims with the funds it received from both private donors and the Government. During the year Help and Shelter conducted 36 workshops and 132 awareness sessions in sensitizing individuals about domestic violence, reaching 4,313 individuals, and 929 were counseled for domestic abuse or violence during face-to-face counseling sessions and via the telephone hotline.

Sexual harassment is prohibited under the Prevention of Discrimination Act, which provides for monetary penalties and award of damages to victims, but its application is confined to the workplace. Harassment in schools, for instance, is not covered under the law. 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 known prosecutions for sexual harassment under the Prevention of Discrimination Act, and charges of sexual harassment were often settled out of court.

Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to contraception and skilled attendance at delivery and in postpartum care were widely available. The UN Children's Fund reported that 83 percent of births had a skilled attendant. The UN Population Fund reported a contraceptive prevalence rate of 34 percent. The UN Population Fund estimated the maternal mortality ratio in 2008 at 270 deaths per 100,000 live births. The Guyana Responsible Parenthood Association (GRPA), established in 1973, collaborated closely with the Ministry of Health's Maternal and Child Health Department to lecture on safe parenthood. GRPA has offered contraceptive services at its headquarters and government clinics since the early 1980s.

Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

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

treated unequally as well as 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, whose chairperson was sworn in during April.

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. In practice women's property rights were generally observed.

Children.—Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad.

There were some reports of physical and sexual abuse of children. During the year Help and Shelter handled 78 cases of child abuse and nine child abuse cases were filed with the courts, of which one was committed to the High Court, two were dismissed and six were ongoing. 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 Child Care and Protection Agency, established in 2009, operated a hotline to take calls regarding suspected abuse of children. The hotline received 447 child abuse reports, involving 770 children.

The age of sexual consent is 16. Under the law anyone who has sexual relations with a girl under 16 can be found guilty of a felony and imprisoned for life. There were reports of child prostitution, although there were no indications that the country is a destination for child sex tourism.

There is no specific legal prohibition of child pornography. However, the law regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprive or corrupt those open to immoral influences.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish community was very small, perhaps fewer than 50 members. There were no reports of anti-Semitism.

Trafficking in Persons.—For information on trafficking in persons, see the Department of State's annual Trafficking in Persons Report 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. On November 2, President Jagdeo signed the Persons with Disabilities Act, which provides for equal protection under the law. The act stipulates that the National Commission on Disabilities shall comprise 12 members appointed by the president; it charges the commission with advising the Government, coordinating actions on issues affecting persons with disabilities, and addressing implementation and monitoring of the act's provisions. Regardless, lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. 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. All indigenous communities had primary schools, and there were 13 secondary schools with an enrollment of 5,547 in remote regions. The secondary schools had dormitories that housed approximately 1,000 to 1,700 students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

By law 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.

Since passage of the Amerindian Act of 2006, which took effect on December 1, the Government has increased the number of communal land titles for Indigenous

communities from 74 to 97, more than doubling the area from 6.5 percent of the national territory so designated to 14 percent. At year's end 134 communities had collective land titles.

To earn cash some villages contracted with loggers, saw millers, and miners to exploit timber and other natural resources on their land. Some indigenous groups and others perceived President Jagdeo's Low Carbon Development Strategy (LCDS) as another government "land grab." The Jagdeo administration conducted consultations with several indigenous communities on the LCDS, but many observers described the sessions as one-way presentations by government officials. The Government made efforts to grant land titles to indigenous communities, and these titles are to receive payments under the LCDS.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Sodomy is punishable with a maximum sentence of life in prison. There are no laws concerning female-to-female sex.

In February 2009 police arrested several transgender persons and took them before the acting chief magistrate, who ordered levied a fine of 7,500 Guyanese dollars (\$37). The magistrate told them they were "confused" about their sexuality and gender, stating "it's a curse on the family." Following this incident the Society Against Sexual Orientation Discrimination and four of the individuals filed a motion in the High Court against the law criminalizing cross dressing; the case remained pending at year end.

Other Societal Violence or Discrimination.—Violence and discrimination against persons with HIV/AIDS were not widely reported.

Section 7. Worker Rights

a. The Right of Association.—The constitution provides for the right of association and allows workers to form and join trade unions, and workers generally exercised this right in practice. However, the constitution bars military and paramilitary members from unionizing or associating with any established union. According to the Ministry of Labor, approximately 25 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 required one-month notice to the Ministry of Labor and leave a skeleton staff in place, although the International Labor Organization (ILO) continued to note that not all of the services deemed essential by the Government were considered essential under international definitions. Arbitration is compulsory for public employees, and employees engaging in illegal strikes are subject to sanctions or imprisonment. The ILO noted that such restrictions compromised workers' right to strike. The law defines 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 bargain collectively. Eight collective bargaining agreements were signed in the first half of the year. The ILO noted that 40 percent of workers must be covered to conclude a collective bargaining agreement; 22 percent of the workforce was covered by collective bargaining agreements. The Ministry of Labor is required to certify all collective bargaining agreements, and there were no reports that it refused to certify any specific agreement. Individual unions directly negotiate collective bargaining status.

The law prohibits antiunion discrimination by employers; however, some public-sector employee unions continued to allege antiunion discrimination by the Government. The Guyana Public Service Union and the Guyana Bauxite and General Workers' Union continued to allege antiunion discrimination by the Government. Trade union worker rights continued to be violated, and the Government did not effectively enforce its laws. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; there were reports of forced child labor, mainly involving the sexual exploitation of children. In February authorities rescued a child from a forced child-prostitution situation and charged a suspect in March. The case remained pending at year's end.

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. Technical schools may employ children age 14 provided public authority approves and supervises such work. No person under 16 may be employed at night, except under regulated circumstances. The law permits chil-

dren under 16 to be employed only in enterprises in which members of the same family are also employed.

Child labor was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. Isolated incidents of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities. Children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals.

There were also reports of sexual exploitation of children, most commonly in mining areas. Also see the Department of State's annual Trafficking in Persons Report at f.state.gov/g/tip.

The Ministry of Labor collaborated with the Ministry of Education and the 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 enforce existing laws effectively. Despite conducting approximately 4,000 worksite inspections, no fines or penalties were assessed, and no employers were charged.

e. Acceptable Conditions of Work.—The public sector minimum wage is 33,207 Guyanese dollars (\$165) per month, and it is applicable to both public and private sectors; however, the Government set wage adjustments unilaterally for public-sector employees. Although the minimum wage is across the board, the private-sector wages/salaries are higher than that of the public sector for similar categories of workers such as clerks and drivers. The Ministry of Labor was responsible for enforcing the minimum wage, and although enforcement mechanisms exist they were not used effectively. Unorganized workers, particularly women and children in the informal sector, often were paid less than the service-sector legal 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. These standards were effectively enforced, according to the Ministry of Labor.

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. According to the Ministry of Labour, there were 24 fatal industrial accidents during the year. Fifty percent of these accidents were in the mining sector and 17 percent in the forestry sector. More than half of those who died in these sectors were 15 to 35 years of age.

The Ministry of Labor moderately enforced inspection findings; responsible employers were more likely to follow standards. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

HAITI

Haiti is a constitutional republic with a population of approximately 9.9 million. On January 12, a 7.0 magnitude earthquake struck the country, killing an estimated 230,000 persons and directly affecting approximately three million others. The country has a multiparty political system. Presidential and legislative elections occurred on November 28. Allegations of fraud and irregularities raised questions regarding the preliminary tally and prompted the president and the Provisional Electoral Council (CEP) to request a review by the Organization of American States. The CEP subsequently announced the final first round results; since none of the candidates received a majority of the vote, a runoff election between the two leading candidates was scheduled for March 2011. Elements of the security forces occasionally acted independently of civilian control.

Human rights problems included allegations of extrajudicial killings by Haitian National Police (HNP) officers, findings of excessive use of force against prisoners, overcrowding and poor sanitation in prisons, 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, human trafficking, 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, there were allegations of HSP involvement in extrajudicial killings. HNP officers killed several persons who were armed and resisting arrest. Some cases of arbitrary killings were referred to the Office of the Inspector General for investigation.

On January 19, in the aftermath of the earthquake, inmates in Les Cayes prison rioted. Officers from the departmental riot control police (UDMO) intervened, killing 12 inmates, while 22 others escaped and scores of others were injured. Three investigations were launched: one by the chief inspector general of the HNP, a second by the Government with the UN, and a third by the investigating judge in Les Cayes, in cooperation with the Government's Office of Citizen Protection (OPC). The chief inspector general concluded that the action of the joint departmental SWAT team and corrections officers caused the deaths of 10 of the 12 inmates. Two other prisoners died of unrelated causes. The report noted that "if the intervention was legitimate, the force used was excessive and disproportionate," and that "a measured use of force was possible under the circumstances." The inspector general issued six recommendations, including the dismissal of prison warden Sylvestre Larack and the suspension of Les Cayes Police Chief Olrich Beaubrun. A joint HNP-UN report called the killings a grave violation of human rights and urged the justice system to prosecute those responsible. On May 27, the HNP placed Larack in preventive detention, as it reopened the chief inspector general's investigation and recommended that Frantz Dehonnet, the deputy administrator of prisons, resign. Authorities charged Beaubrun and ten other officers with homicide. At year's end their cases had yet to be tried, Beaubrun had not yet been arrested, and Dehonnet still held his post as deputy administrator of prisons.

On January 21, police shot and killed Gentile Cherie for stealing rice. Foreign journalists saw police stop two men who had taken a bag of rice that had fallen from a truck; witnesses claimed that the officers shot the men in the back and left them on the sidewalk. The Office of the Inspector General had not received an official complaint nor opened an investigation into the matter.

On December 6, unknown assailants shot and killed former inspector general of the HNP Etienne Saint Gourdin. Officials opened an investigation into his death.

There were no further developments in the 2009 case concerning seven individuals, including two active police officers and one former police officer, who were arrested for killing the manager of a money-exchange outlet during an armed robbery in Port-au-Prince. The case was under investigation by the court at year's end.

The HNP Internal Investigations Unit completed its investigation of the 2008 death of Renece Charon while in police custody and sent the case to the criminal court, which found that other prisoners beat Charon to death.

Residents in some areas resorted to vigilante justice. In November and December mobs attacked and killed Vodou (voodoo) practitioners accused of spreading cholera by placing contaminated powder into rivers and waterways. According to the HNP, 31 people were confirmed killed by the end of the year. Credible sources reported an additional 22 possible killings. Two ministerial-level officials publicly denounced the killings, and local police confiscated 16 firearms, but made no arrests.

Nongovernmental organizations (NGOs) also reported vigilante incidents including shootings, beatings, and lynchings in rural areas, where effective judicial and law enforcement institutions largely were absent. Police statistics documented 83 vigilante incidents through the end of the year, but police made no arrests. Observers attributed the majority of vigilante justice incidents to accusations of theft, witchcraft, or kidnapping.

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

Current and former HNP officers were accused of participation in kidnappings.

The number of reported kidnappings nearly doubled from the previous year. There were 121 reported kidnapping victims during the year, compared with 66 through October 2009.

Gonaives Police Commissioner Ernst Dorfeuille Bouquet, who was arrested and charged for the 2008 kidnapping and killing of Monica Pierre, escaped from the National Penitentiary on January 12, but later turned himself in to police in Petionville. At year's end he was awaiting trial after being returned to prison.

There were no known developments in the following cases:

The January 2009 abduction of Joseph Francois Robert Martello, the director of the National Commission of Public Markets (CNMP).

The 2008 arrests of three Cap-Haitien police officers for allegedly heading a gang responsible for multiple kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but there were some reports of degrading treatment, most notably in prisons, during the year.

The Sri Lankan Ministry of Defense provided an update in 2009 on the status of 23 Sri Lankan UN peacekeepers who were convicted in late 2008 of sexually exploiting and abusing children while they were stationed in Haiti under UN auspices in 2007: 20 of them were discharged, demoted, formally reprimanded, or otherwise punished; and the other three were killed in military action.

Prison and Detention Center Conditions.—Prisoners reported physical abuse by correctional officers; prisons also suffered from corruption and neglect. Due to insufficient staffing, equipment, and security officers avoided some cellblocks. At times officials used lethal force against prisoners to quell inmate uprisings (see section 1.a.).

Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary. Overcrowding was severe; in some prisons detainees slept in shifts due to lack of space. The earthquake, which damaged several prisons, intensified the existing problems. The earthquake damage compromised the holding capacity at facilities in Carrefour, Delmas, Jacmel, and the National Penitentiary in Port-au-Prince. Over 5,000 detainees escaped in the wake of the earthquake, including all 4,215 persons held at the National Penitentiary. Some prisons had no beds for detainees; some cells had no access to sunlight. Many prison facilities lacked basic services such as medical services, water, electricity, and medical isolation units for contagious patients. Many prisoners and detainees suffered from a lack of basic hygiene, malnutrition, poor quality health care, and illness caused by the presence of rodents. Some prisons did not allow prisoners out of their cells for exercise.

On October 17, prisoners at the National Penitentiary overpowered guards in an attempted prison break, taking seven persons, including UN Police (UNPOL) officers and visiting Swedish police officers, hostage for several hours. The authorities regained control of the penitentiary, but three prisoners were killed in the process; two were shot, and one was reportedly trampled by other prisoners.

In some prisons the incidence of preventable diseases such as AIDS, malaria, and drug-resistant tuberculosis remained a serious problem. The cholera outbreak also affected the prisons. Within the first week of the outbreak, five detainees in the Mirebalais Prison died. The Bureau of Prisons responded by limiting outside contact.

At year's end the total prison population, including both pretrial detainees and sentenced prisoners in the country's 17 prisons, was more than three times the planned capacity of the country's prisons. Pretrial detention and its effect on overcrowding remained a serious problem during the year (see section 1.d.).

The overburdened prison system had insufficient holding facilities. The Civil Prison of Port-au-Prince (CPPP) contained approximately half of the country's prisoners and pretrial detainees in its intake room. Provincial authorities, in particular, incarcerated many convicted prisoners for terms of months or even years in temporary holding cells. Severely overcrowded police stations served as prisons in the cities of Gonaives and Petit Goave, whose prisons were destroyed in 2004. Gonaives, for example, held 140 long-term prisoners in its local police station in October.

Port-au-Prince maintained separate penitentiaries for adult men and women, but in other prisons, there were instances of male and female prisoners being held together due to space constraints. 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 in the women's prison. When space was available, boys were held in a separate cell of a facility in Port-au-Prince. By law that facility may hold only boys ages 13 to 15, although a few child inmates claimed to be as young as age 10. Girls were not held separately from women at the Petionville Women's Penitentiary.

For most of the year, prisoners and detainees had reasonable access to visitors, who were allowed to bring them food and clothing. Inmates also were permitted religious observance and could request to see a Protestant minister, a Catholic priest, or a Vodou (voodoo) leader. However, these policies were suspended at the end of October in response to the nationwide cholera outbreak. The Administration of Prisons barred any outsider from entering prisons, in an attempt to curb the spread of cholera. Prisoners and detainees were permitted to make a written or verbal complaint regarding their conditions to the facility supervisor. If their complaint was

regarding the supervisor, they were given the option to refer it up the chain of command for investigation.

The International Committee of the Red Cross (ICRC), the UN Stabilization Mission in Haiti (MINUSTAH), the local NGO National Human Rights Network for Haiti, and the 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 and health care delivery at the CPPP reported success, the Government did not implement many changes recommended by NGOs and donor governments.

Authorities took some measures to improve prison conditions. In response to the prison killings in Les Cayes, Minister of Justice Paul Denis began a series of unannounced prison visits, beginning with the Women's prison in Petionville followed by the National Penitentiary. In addition, the Government started releasing defendants who had been held in preventive detention for unacceptably long periods, pending formal charges and trial. Officials implemented a pilot project at the Petionville Women's Prison, establishing a special correctional tribunal to deal with the 257 detainees awaiting formal charges. Between June 8 and 14, the tribunal heard 15 cases, including three involving juveniles; 14 defendants were released, including an inmate who had served her sentence but remained incarcerated. The Ministry of Justice held hearings in August and September to reduce the pretrial detention backlog in the National Penitentiary, and the court committee released 30 inmates as a result. Still, since most of the 1,570 detainees awaiting trial in the Penitentiary were held for serious crimes that warranted a jury trial, they were effectively denied the right to a prompt trial. An estimated 15 percent of detainees in the National Penitentiary had been convicted by year's end.

The ICRC, in collaboration with the Prison Authority, renovated and refurbished the earthquake-damaged civil prison in Jacmel.

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 8,766 soldiers, 3,082 police officers, and 481 civilian UN officials, trained and supported the national police force, provided disaster recovery assistance, and assisted the Government in suppressing gang-related violence.

The approximately 8,500-member HNP has sole responsibility for law enforcement and maintenance of order; there are no military forces. The UN has estimated that the country needs a force of at least 14,000 police officers, although it recommended 18,000 to 22,000. Women make up less than 10 percent of the total police force, however the HNP established a recruiting drive for female officers in 2008, and 350 of the 2,755 recruits hired in the past four years were women. The HNP is officially an 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 and Public Security, through its minister and the secretary of state for public security, provides oversight.

The HNP lost 142 officers in the January earthquake (72 confirmed deceased and 70 missing), and an additional 253 were injured. Approximately 40 police stations and offices were damaged. The HNP worked with UNPOL and MINUSTAH to provide security for aid operations and to patrol internally displaced person (IDP) camps.

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. IG investigations revealing criminal activity were referred to the regional prosecutor. The IG also conducted vetting with MINUSTAH to certify that members of the HNP had no serious disciplinary violations or accusations of human rights abuses pending against them.

Reform and professionalization of the HNP continued as international programs and foreign governments 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, communications equip-

ment; and other technical assistance. Some units, notably the Anti-Kidnapping Unit, made significant improvements.

Although the HNP's efforts resulted in significantly increased levels of physical security and policing effectiveness, the HNP often could not prevent or respond to gang-related and other societal violence, such as vigilante justice, due to an insufficient number of officers and inadequate equipment or training.

Arrest Procedures and Treatment While in Detention.—The law permits police officers to make arrests when a suspect is caught during the commission of a crime, or later with a court-authorized warrant. 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.

The Government frequently did not observe the legal requirement to present detainees before a judge within 48 hours, and prolonged pretrial detention remained a serious problem. Many detainees were held in pretrial detention for extended periods—in some cases up to five years—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.

Some returnees, some of whom spent substantial portions or most of their lives abroad, alleged corruption, widespread discrimination, and social abuse after returning home. Reported discriminatory practices included arbitrary arrests, false accusations about their activities to local police, and extortion attempts against them and their families abroad during the initial detention phase, in exchange for quicker release from administrative quarantine.

Lengthy pretrial detention was a problem during the year. By the end of the year, of the 5,331 persons in custody, only 1,722 had been tried and sentenced, while 3,609 awaited trial. Approximately one third of those awaiting trial had been incarcerated for a year or longer.

Prison population statistics did not include the large number of persons held in police stations around the country in prolonged pretrial 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 prolonged detention.

e. Denial of Fair Public Trial.—The justice system sustained significant losses in the January earthquake. The Ministry of Justice and the Palais de Justice (Supreme Court) were destroyed, and 27 court and tribunal buildings were damaged. A subsequent fire at the Palais de Justice destroyed all the records, including records of cases pending 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 (see section 4).

Pervasive and long-standing problems—including a shortage of funding and adequately trained and qualified justices of the peace, judges, and prosecutors as well as failure to convene court sessions on the schedule provided by law—contributed to the large backlog of criminal cases, and many detainees waited years for a court date. The Government took steps during the year to reduce the pretrial backlog (see section 1.c.).

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 rarely conducted autopsies, and examining magistrates often received incomplete files.

An outdated juridical fee scale created another 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 based on their perceptions of what a service should cost.

Long distances and limited transportation between citizens' residences and the courts also limited access to the judicial system. In most regions judges lacked basic resources and professional training.

The School for Magistrates was the temporary seat of the Supreme Court after the January earthquake. The school continued in-service training for justices of the

peace, and the majority of justices from all 18 jurisdictions had completed the intensive six-week training program. However, the school had not had a class of magistrates in more than five years. An internationally funded program continued to provide 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 Judicial Strengthening Program begun by 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, largely unchanged since 1880. 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. Defendants who could not afford representation were more vulnerable to interrogation without counsel. However, some defendants had access to counsel during trials. With the support of the national government and the local legal community, international groups provided funds to indigent defendants for professional legal representation.

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. The lack of a witness protection program and widespread impunity discouraged some witnesses from testifying at trials. Defendants and their attorneys had access to government-held evidence before trial. Defendants had the right to appeal.

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

Civil Judicial Procedures and Remedies.—Victims of alleged human rights abuses are able to bring their cases before a judge for cessation of the violation. Damages can be awarded if the claim is brought as a civil suit and the judge convicts the perpetrator. Seeking legal remedies for human rights abuses is difficult, especially in the aftermath of the January earthquake, since very few organizations had the resources to start and maintain a case through its duration in the system.

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 local government officers and elected officials harassing or threatening journalists.

On September 16, several agents in the Cite Soleil police station shoved and beat female journalist, Orpha Dessources, from Radio Boukman. She was there to attend a press conference by Cite Soleil police on the arrest of a notorious gangster. The journalist filed a complaint with the Office of the Inspector General of the HNP. The motivation for the attack was unknown. The HNP spokesperson, Commissar Leurebours, said that the incident was being investigated and made recommendations to journalists about how to behave in police stations. However, the HNP Internal Investigations Unit (IG) stated at year's end that they had never received a complaint on the issue and never opened an investigation.

There were no further developments in the case of radio journalist Sainlus Augustin, who was publicly harassed, struck, and threatened by the brother and other supporters of senatorial candidate Wilot Joseph, allegedly because they objected to Augustin's attempt to interview supporters of the political opposition in 2009. Repeated anonymous death threats forced Augustin into hiding.

In December 2009, HNP officers in Port-au-Prince beat journalist Edwige Joseph Watson and destroyed his equipment when he attempted to take photographs of a peaceful student demonstration. Following an investigation by the Office of the Inspector General, one police officer was given an administrative sanction of 40 days' suspension without pay. His case was then referred to the criminal court for investigation.

There were no further developments in the 2008 attack on news correspondent Joachim Marcel by the deputy mayor of Cap-Haitien and his bodyguards, allegedly in retaliation for Marcel's investigation of voting corruption.

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 expression of views via the Internet, including by e-mail. Approximately 30 percent of the population had routine access to the Internet during the year, primarily via Internet cafes. Lack of infrastructure limited public access to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Citizens must apply for a permit to hold legal demonstrations; the HNP regularly issued permits.

Demonstrations were infrequent during the first part of the year, but starting in August, political parties, displaced persons, and students staged protests. An uptick in protests and demonstrations occurred in the days preceding the November 28 election and continued into December. Demonstrators fired shots, threw rocks, and blocked roadways.

On October 8, Jean Philbert Louis was injured during a demonstration for quality education when a tear gas canister fired by a police officer hit him in the head. The next day, Louis died in the hospital. Authorities arrested the officer who shot the canister, and the case was investigated by the IG, who found wrongdoing and forwarded the case to the parquet (prosecutor's office). At year's end the incident remained under investigation at the parquet.

On December 9, a group of four armed men began firing openly on supporters of presidential candidate Michel Martelly in the Champ de Mars area. The Martelly supporters were planning a demonstration as President Preval's motorcade passed through the area. Authorities arrested the four men but then released them without charge by order of the prosecutor's office.

In June 2009 bystander Kerel Pascal was killed during a public funeral, allegedly by peacekeeping forces. Television cameras recorded a force member discharging a weapon in the general direction of Pascal. MINUSTAH began an investigation and conducted an autopsy. At year's end MINUSTAH Human Rights section reported that the inquiry was inconclusive as to whether MINUSTAH forces fired the shot that killed Pascal.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. Persons deported from other countries were sometimes subjected to amendments in their Haitian passports by the Immigration office, denoting the infraction for which they were deported.

The Government coordinated with the Office of the UN High Commissioner for Refugees and other governments and humanitarian organizations in providing protection and assistance to internally displaced persons.

The law prohibits forced exile, and there were no reports of its use. However, according to anecdotal reports, former government officials sometimes abandoned the country with their families for fear of retaliation or prosecution by political enemies.

Internally Displaced Persons (IDPs).—More than a million people were displaced by the January 12 earthquake. Approximately 500,000 IDPs left for other parts of the country to stay with family or friends, and an estimated 20 percent of those who fled the city remained in the provinces, severely straining provincial and other resources. By the end of December, approximately one million earthquake-affected individuals remained displaced in more than 1,150 spontaneous and planned settlement sites in and around Port-au-Prince, with temporary housing and difficult living conditions. The Government worked with domestic and international humanitarian organizations, through a combination of mechanisms, to coordinate the oversight of and the provision of assistance to IDPs. The Government continued to work with foreign government agencies, international organizations, the UN, and NGOs to coordinate humanitarian efforts and to facilitate the transition from emergency relief activities to recovery and reconstruction.

To provide displaced persons with the opportunity to return to their former residences, the Ministry of Public Works assessed approximately 400,000 buildings for habitability and safety. The assessment found that 51 percent of houses were safe for habitation, with another 26 percent classified as dwellings that could be made safe with repairs, and the remaining 23 percent deemed unsafe for habitation and requiring major repairs or demolition. IDPs were encouraged to return to safe

houses, and humanitarian groups completed repairs on some near-safe houses. Reconstruction focused on enabling earthquake-affected families to return to their neighborhoods of origin where they maintained family and social ties and employment possibilities. However, those whose homes were destroyed or uninhabitable remained in IDP camps. The problem of resettlement has been magnified by lack of land tenure and contradictory land registry records, as well as a slow government response.

MINUSTAH estimated that more than 8,000 displaced individuals have been subject to forced evictions (especially from land that was the location of ongoing concerns such as schools, places of worship, and businesses) by private property owners or gang members who seek to resume pre-earthquake operations. More than 11,000 others remained in situations that place them at risk of involuntary evictions and secondary displacement by private property owners.

Protection of Refugees.—The law provides for the granting of refugee status or asylum, and the Government has established a system for providing protection to refugees. The Ministry of Foreign Affairs, usually through missions or consulates abroad, handled asylum and refugee requests. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, the Government did not routinely grant refugee status or asylum.

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

The law provides citizens the right to change their government peacefully, however in practice citizens were not always able to exercise this right. The November elections were marred by fraud, flawed voter registration lists, ballot stuffing, intimidation, and some violence at the polls.

Elections and Political Participation.—Multiparty presidential and parliamentary elections in November were marked by irregularities and criticism from multiple sources. Several presidential candidates denounced the elections as fraudulent before the voting concluded. Independent election observers and NGOs noted irregularities at many polling stations. The preliminary results released on December 7 called into question the legitimacy of the electoral process, resulting in public protests and prompting the CEP to review the vote tally. On December 29, as part of an agreement between the Government and the Organization of American States, electoral and legal experts began reviewing the results of the first-round elections.

Some restrictions were placed on certain political parties. In November 2009 the CEP considered 69 political parties for the 2010 parliamentary elections and approved 53. The CEP rejected 16 parties, including, for the second time during the year, former president Jean-Bertrand Aristide's party, Fanmi Lavalas, for documentation that was inconsistent, lacked notarization, and did not conform to legal requirements. Other rejected major parties included Union, Popular Solidarity Alliance, Struggling People's Organization, and Fusion. The latter two groups allied under a new party banner, Alternative, which officially boycotted the elections, although many of the party's legislative candidates participated in the elections.

The constitution requires that following local and municipal elections, local officials must hold a series of indirect elections to staff departmental organs of self-government and an interdepartmental council to advise the national government and nominate candidates for the CEP. The law requires that the three branches of the national government select from among these nominees the council's nine members. Since these indirect elections have not taken place since the constitution was written, the country continued to operate with the presidentially appointed CEP.

The electoral legislation mandated that political parties nominating at least 30 percent female candidates and electing 20 percent of those nominated receive twice as much public financing for those same positions in the next election. None of the political parties met these criteria in the November election. On November 28, two women ran as candidates for president, eight for the Senate, and 55 for deputy seats. Of the deputy candidates, two won their seats outright in the first round, and seven qualified to run in the second round. Mirlande Manigat, one of the female presidential candidates, won approximately 30 percent of the vote, qualifying her to run in the second round.

The monetary deposit required of female candidates for political office (if sponsored by a recognized party) was one-half that required of male candidates. Six women served in the outgoing Senate and Chamber of Deputies, which had a combined membership of 129 legislators; three women served in the 18-member cabinet; and no women served on the Supreme Court.

Section 4. Official Corruption and Government 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 prosecutions.

In July the Government's Anti-Corruption Unit (ULCC) investigated charges of corruption against Jean Enel Desir, a member of the CEP who represented the Catholic Church. He resigned from his position, and the ULCC's investigation revealed evidence to support the charges. The prosecutor's office had the file but put the investigation on hold because Desir was deemed too ill to stand trial.

In October the Ministry of Justice replaced two judges in Les Cayes who were accused of corruption. There were no further developments in the case at year's end.

There were reports of corruption in the HNP. For instance, affluent prisoners at times obtained favorable conditions of detention. The HNP investigated allegations of police malfeasance, leading to the arrest or termination of employment of some officers. For example in September, the HNP arrested seven officers for alleged involvement in kidnapping and drug gangs. 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 for corruption but brought no charges. The Center for Pleas and Legal Assistance offered judicial assistance to victims and witnesses of government corruption and widely disseminated telephone and e-mail contact information.

Authorities arrested or detained a few low-level public servants, mainly customs officials, on corruption or corruption-related charges.

The director of the Social Security Agency, Sandro Joseph, who was arrested in May 2009 on charges of misuse of funds within the social security system, escaped from prison on January 12. His case had not yet gone to trial.

The ULCC investigation into the use of approximately HTG7.9 billion (\$197 million) of humanitarian assistance provided to the country by Petrocaribe in the aftermath of the 2008 storm season continued at year's end.

The Financial Control and Information Office has responsibility for combating financial crimes. By law the president, the prime minister, cabinet ministers, other high-level public officials, and members of the HNP must declare assets. The ULCC reported in December that 444 public officials had observed the law and filed disclosure statements by the August 30 deadline. This number includes only four senators and 27 deputies, and accounts for less than 10 percent of all public officials. Public officials who do not fulfill this obligation are subject first to a 50 percent reduction in salary, followed by suspension, until they file their statements. However, by the end of the year the Government sanctioned no officials for failure to file the disclosures.

The National Commission for Public Markets is charged with certifying and adjudicating public procurement contracts. In September 2009 the law was amended by presidential decree to raise the threshold of contracts subject to oversight. The certification requirement applies for supplies contracts in excess of 300,000 Haitian gourdes (HTG, or approximately \$7,440), public works contracts in excess of HTG800,000 (approximately \$19,840), and services contracts in excess of HTG2,500,000 (approximately \$62,000).

No law requires public access to government information, but there were no reports that the Government prevented public access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government cooperated with the various human rights observation missions and generally acknowledged their views but lacked the capacity to implement their recommendations. The Government permitted special missions and the continued presence of UN bodies and other international organizations such as the ICRC.

The OPC is mandated 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 took an active role in investigating allegations of government abuse, and worked collaboratively with international organizations.

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 6. 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 lifelong forced labor. Prosecution was often not pursued due to lack of reporting and follow-up on victims' claims. Actual sentences were often less rigorous, with sentences for convictions in the past year averaging approximately three years. 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, who were sometimes family members. Kidnappers often raped their female abductees.

Reported sexual assault cases increased significantly. HNP statistics showed that 974 rapes were reported by the end of the year, compared with 218 through October 2009. Of these, 84 victims were minors. NGOs noted alarming increases in sexual violence against women in IDP camps. In addition, the increase in the number of reported rapes may be in part a result of the referral and awareness campaign initiated by the UN, in partnership with the HNP and NGOs. On December 22, the Inter-American Commission on Human Rights recommended that the Government adopt "urgent measures" to prevent, report, and address violence against women and girls in the IDP camps of the Port-au-Prince area. By year's end, the Government had not addressed the commission's recommendations.

In Saint-Marc the Federation for Women of the Lower Artibonite reported that it provided shelter services for 516 women and girls and assisted 909 victims of violence during the year.

Rape was especially common in 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.

Rape was often treated in society as a relatively minor infraction or a family or community matter instead of a prosecutable offense. Substantial disincentives discouraging victims from reporting rapes included: 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 sufficient facilities or services at police stations to aid rape victims; the long distances between homes and qualified tribunals; and finally, the slow-moving judicial system that fosters a perception of impunity. However, cases that were heard in court, particularly in Port-au-Prince and Port-de-Paix, sometimes resulted in convictions and stiff penalties. In the 12-month period between October 2009 and October 2010, 48 individuals were convicted for rape. Their sentences ranged from a fine to a life sentence of forced labor. The average sentence was three to 10 years.

MINUSTAH's Gender-Based Violence (GBV) unit, in partnership with the HNP, mapped GBV referral services to identify organizations providing GBV services by type, assessed the quality of services, and provided more complete information for GBV referral cards. The unit distributed referral cards to community workers and local and international NGOs to facilitate survivor access to appropriate medical, psychosocial, and legal services. MINUSTAH also provided an 18-officer Gender Mobile Unit, staffed mostly with female UNPOL Officers. The two HNP referral centers for victims of sexual violence were damaged by the earthquake. They remained operational, but worked out of limited space in a tent, which they shared with a collocated police station. The HNP does not have a sexual assault or domestic violence unit. The Criminal Unit investigates violence against adult women and the Brigade for the Protection of Minors (BPM) investigates assaults on children. In Saint-Marc the local government commissioner worked closely with the only local NGO offering comprehensive services to sexual assault victims in the region to protect victims' safety and access to the justice system.

The law prohibits and provides penalties for domestic violence against minors, but does not classify domestic violence against adults as a distinct crime. Instead, the

Criminal Unit processes crimes of domestic violence against adults (e.g. assault, rape, harassment, etc.). Police figures reported 30 incidents of domestic violence against minors during the year (compared with 38 incidents from January to October of 2009). Women's rights groups and human rights organizations reported that domestic violence against women remained commonplace and underreported. Police rarely arrested the perpetrators or investigated the incidents, and the victims sometimes suffered further harassment and reprisals from perpetrators, sometimes prompting secondary displacement of victims within IDP camps. Corrupt judges often released suspects arrested for domestic violence and rape.

The Government, with the support of international donors, sponsored a program for victims of violence that provided medical and legal assistance for victims, as well as a campaign denouncing violence against women.

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 was common. Such incidents went unreported because of high unemployment and because citizens had little confidence in the ability of the judicial system to protect them.

Couples and individuals have the legal right to decide the number, spacing, and timing of children. UNICEF data indicated that 32 percent of women ages 15-49 used modern contraceptive methods in 2008. Despite high levels of general knowledge of contraceptive methods, women had few opportunities to acquire additional information on family planning methods. The UN Population Fund estimated the maternal mortality ratio in 2008 at 300 deaths per 100,000 live births. Although UNICEF reported that 85 percent of pregnant women received prenatal care at least once during their pregnancy, only 26 percent had a skilled attendant at delivery in 2008. The vast majority of women delivered their babies at home without the benefits of a skilled birth attendant or the ability to find adequate care in the event of complications. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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, working in domestic labor and sales. Government and private sectors seldom promoted women to supervisory positions.

Children.—Citizenship is derived through an individual's parents; only one parent of either sex is necessary to transmit citizenship. Citizenship can also be acquired through a formal request to the Ministry of the Interior.

The Government did not register all births immediately and did not keep statistics concerning the number of births unregistered each year. One government report estimated births of more than 10 percent of Haitians were not registered. Birth documents are legally necessary to register for school, open a bank account, apply for credit, gain admission to a hospital, and vote. Individuals without required birth documents were not denied emergency medical services or educational opportunities on that basis. Many official documents were destroyed in the earthquake. The National Archives saw its requests for certified copies of documents more than triple upon reopening after the earthquake, and the Office of National Identification faced long lines for months as people sought to replace lost or damaged identification cards. Both institutions were overwhelmed by the demand, but addressed the backlog incrementally.

Primary and secondary education was not compulsory, free, and universal. Before January 12, only half of school-age children were enrolled in classes. Almost 5,000 school buildings in the earthquake zone were destroyed or damaged on January 12. Hundreds of teachers and thousands of students were killed. After the earthquake, most schools remained closed through the summer, and reopened in early October. International donors and NGOs worked to build and repair schools. Many families who were not able to get their children into a public school paid for their children to attend private schools, which were generally unaccredited and unregulated.

Credible sources reported that over 200,000 domestically trafficked children worked as indentured household servants, or "restaveks" (see section 7.c.). Approximately 65 percent of these children are girls, and nearly three quarters of them work as servants in the home of relatives. Governmental agencies and programs promoted children's rights and welfare, but the Government lacked sufficient resources to support or enforce existing mechanisms adequately.

Children also reportedly worked on the street and in IDP camps in prostitution. Recruitment of children for sexual exploitation, pornography, and illicit activities is illegal. The law prohibits the corruption of youth under the age of 21 years, includ-

ing by prostitution, with penalties ranging from six months' to three years' imprisonment.

The minimum age of consensual sex is 18. Inefficiencies in reporting and investigating allegations of rape contributed to uncertainties regarding penalties, if any, for statutory rape.

The January earthquake created a large number of displaced children and left many as orphans. In cooperation with the Government, NGOs and international donors established health clinics and child-friendly spaces in many of the camps; nevertheless, security issues posed a risk as many children were left on their own during the day.

Port-au-Prince's population of several thousand street children included many who were dismissed from or fled employers' homes or abusive families, but also some children who lost parents or caretakers in the earthquake. Almost 75 percent of street children were boys, according to estimates. NGOs reported that street children were likely to be sexually or otherwise abused, received little or no education, and were easily exploited by trafficking recruiters. Criminal gangs also reportedly enlisted minors to commit illegal acts.

The Ministry of Social Affairs provided some assistance, such as food and temporary shelter, to street children.

In the aftermath of the January earthquake, many orphans were evacuated to other countries for expedited adoption. The Institute of Social Welfare and Research (IBERS), which oversaw adoptions and orphanages, resumed operations in March. Because IBERS had limited resources, many orphanages remain unregistered and unmonitored. Lack of sanitation, overcrowding, insufficient food, an absence of education, and poor adult supervision characterized many facilities.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish community was very small. There were no reports of anti-Semitic acts or other societal abuses or discrimination based on religious affiliation, belief, or practice.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and laws do not explicitly prohibit discrimination against persons with physical and mental disabilities, and 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. According to the National Network for the Defense of Human Rights (RNDDH), approximately 805,000 persons lived with a physical disability during the year. The earthquake exacerbated the difficulties faced by persons with disabilities, with the RNDDH reporting that 6,000 persons were left with an amputated limb as a result of the earthquake. Only 3 percent of children with disabilities have access to schools.

The Secretariat of State for the Integration of Handicapped Persons (SEIPH) is the lead government agency responsible for providing assistance to and ensuring that the concerns of the disabled are taken into account, especially during the reconstruction phase. SEIPH worked with the UN Health Cluster to coordinate the Injury, Rehabilitation, and Disability working group, which coordinated all activity concerning the rehabilitation of injured persons, the fitting of orthopedic devices, and the provision of assistance to persons with disabilities. SEIPH also signed an agreement with foreign donors to enable the construction in the coming year of a rehabilitation center for persons with disabilities. The center will train teachers and technicians and will provide prostheses and hearing aids. SEIPH's broader mandate is to improve the living conditions of persons with disabilities, raise public awareness on national and international disability issues, strengthen the response capacity of associations or institutions that work on disability issues, and to establish a legal framework for persons with disabilities.

There were no reports of abuse in mental health facilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was a minimal presence of lesbian, gay, bisexual or transgender (LGBT) advocacy NGOs operating within the country.

There were no officially confirmed reports of discrimination against the LGBT community, but local NGOs reported that LGBT persons faced widespread societal discrimination including social stigma, targeted physical violence, sexual assault,

and employment insecurity. NGOs also reported that such persons did not report human rights violations due to fear of reprisal.

Other Societal Violence or Discrimination.—Societal discrimination occurred against persons with HIV/AIDS, particularly women, but educational programs sponsored by foreign donors and efforts by HIV/AIDS activists attempted to change that stigma.

Section 7. Worker Rights

a. The Right of Association.—The law allows some workers, excluding public-sector employees, to form and join unions of their choice. The law also prohibits employers, management, and anyone who represents the interests of employers from joining a union. Freelance workers and workers in the informal economy are not covered under the Labor Code. The law 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. Any association with more than 20 members must obtain prior authorization from the Government in order to be recognized. In practice most unions were not independent organizations, but 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, with restrictions, and workers exercised this right in practice. The Haitian Labor Code considers four types of strikes legal: workers striking while remaining at their posts; striking without abandoning the institution; walking out and abandoning the institution; and striking in solidarity with another strike. Managers, administrators, other heads of establishments, public utility service workers, and public sector enterprise workers may not strike. 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.” A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day.

Despite the prohibition there were a few public sector strikes, usually related to the Government’s failure to pay staff. On April 20, bailiffs and clerks went on strike to demand higher wages from the Ministry of Justice. On July 1, teachers from both public and private schools struck to oblige the Ministry of Education to maintain its commitment to subsidize schools damaged by the earthquake. On July 22, transport workers called for a general strike and urged President Rene Preval to replace the CEP and to satisfy key demands of Haitian drivers and workers. They also protested a “toll” imposed by Haitian authorities at the Malpasse/Jimani border with the Dominican Republic.

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.

Although workers had access to labor courts established to resolve common labor-management disputes, the courts’ judgments were not enforced, and as a result labor courts were considered weak and ineffective. Under the supervision of the Ministry of Labor and Social Affairs, the courts are responsible for adjudicating minor conflicts; however 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 a monetary fine for each individual violation. Although illegally fired workers have the right to recoup any compensation to which they are entitled, the law does not specify that employers must reinstate workers illegally fired for union activity.

There are no special laws or exemptions from regular labor laws in the export processing zone in Ouanaminthe, a town on the Dominican border.

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, namely instances of forced labor among child domestics or *restaveks*. Also see the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum employment age for employment in industrial, agricultural, or commercial companies is 15. The minimum age for apprenticeships is 14. There is no minimum age restriction for work in domestic service and there are no legal penalties for employing children in domestic labor unless the nature or condition of domestic service

harms their health, safety, or morals. The law prohibits the exploitation of children, which includes servitude and forced or compulsory labor. The law also prohibits minors from working under dangerous conditions and prohibits night work in industrial enterprises for minors under 18. Fierce adult competition for jobs ensured child labor was not a factor in the industrial sector. However, children under the age of 15 commonly worked in the informal sector to supplement family income. Activities and sectors in which children commonly work include domestic work, subsistence agriculture, and street trades, such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. 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.

Parents unable to care for their children have traditionally sent them to relatives or strangers, who were expected to provide the children with food, shelter, and an education in exchange for housework. Such children were known as *restaveks*. The practice was so entrenched that even poor families routinely kept one or more *restaveks* who came from even poorer families. Parents often offered their children as *restaveks* when they were six years old or younger. Domestic work as a *restavek* was the primary form of child employment, and there was no legal penalty for families that employed *restaveks*. While some host families cared for *restaveks* and sent them to school, most *restaveks* were subjected to abuse and involuntary domestic servitude. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Government and NGO estimates of the number of *restaveks* ranged between 90,000 and 300,000. A 2009 survey estimated 225,000 children work as *restaveks* in urban areas of Haiti alone. The majority of *restaveks* were girls between the ages of six and 14. Host family exploitation of *restaveks* typically included forcing the children to work excessive hours on physically demanding tasks without pay or adequate food, not sending them to school, and subjecting them to physical and/or sexual abuse. Girls were generally placed in domestic servitude in private urban homes, while boys more frequently were exploited for labor on farms. *Restaveks* who did not run away usually remained with the host family until age 14. Labor laws require employers to pay domestic workers over 15 years old, so many host families forced *restaveks* from the household before that age. Others ignored the law, which was not well enforced. Abandoned and runaway *restaveks* constituted a significant proportion of the large population of children living on the street, where many were forced into prostitution or street crime by criminal gangs, while others became street vendors or beggars. The thousands of individuals displaced and/or orphaned as a result of the January earthquake likely increased the number of both *restaveks* and street children.

Although the Government charged it with implementation and enforcement of child labor laws and regulations, the Institute of Social Well-Being and Research (IBESR) lacked adequate funding to investigate exploitive child labor cases effectively. Other factors contributing to ineffective investigation and lack of judicial recourse were border permeability and lack of an adequately trained and equipped police force. Since the January 12 earthquake, there has been improved collaboration between IBESR and the BPM, the 35-person HNP unit responsible for child protection, to remove children from child labor and other dangerous and violent situations. Prior to January 12, the Government of Haiti also established a program in Carrefour to provide basic education, lodging, and food to street children.

e. Acceptable Conditions of Work.—On October 1, the daily minimum wage increased from HTG125 (approximately \$3.00) to HTG150 (approximately \$3.60) in the textile sector and remained at HTG200 (approximately \$4.80) in the commercial and industrial sectors. Workers paid at a piecework rate received a minimum of HTG200 per day. For all other industrial and commercial establishments, the daily minimum wage was fixed at HTG200 for eight hours of work. The minimum wage would put a household's income at about twice the average in Haiti, but still provided for only a minimal standard of living. Minimum wage levels were often not effectively enforced.

Most citizens worked in the informal sector and subsistence agriculture, in which minimum wage legislation does not apply, and daily wages of HTG15 (\$0.37) were common. Many women worked as domestic employees, an area of work 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 estab-

lishments that employ only family members. The Labor Directorate may grant exemptions for other employers not specifically exempted by the law. These laws were not effectively enforced. The law is also 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. HNP officers had also not been incorporated into the standardized government schedule of benefits after their initial three-year probationary contracts. 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 effectively enforce them. No group collected formal data, but unions alleged job-related injuries occurred frequently in the construction 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 republic with a population of approximately eight million. Pursuant to November 2009 elections, which the international community generally recognized as free and fair, on January 27, Porfirio "Pepe" Lobo assumed the presidency and formed a government of national unity representing all five registered political parties. The Lobo government undertook efforts to reintegrate the country into the international community and address political polarization and human rights concerns that had arisen out of the June 2009 coup. There were instances in which elements of the security forces acted independently of civilian control.

Human rights problems reported included the following: unlawful killings by police and government agents, which the Government took some steps to prosecute; arbitrary and summary killings committed by vigilantes and former members of the security forces; harsh prison conditions; violence against detainees; corruption and impunity within the security forces; lengthy pretrial detention and failure to provide due process of law; politicization, corruption, and institutional weakness of the judiciary; corruption in the legislative and executive branches; government restrictions on the recognition of some civil society groups; 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.

On November 22, the Government swore in Ana Pineda as minister of the Secretariat of State for Human Rights and Justice, created by the legislature on September 28 to promote inter-institutional coordination of respect for human rights and to design policies and programs to strengthen rule of law, access to justice, and protection of vulnerable groups. On December 20, the National Congress allocated 35 million lempiras (\$1,842,100), of 50 million lempiras (\$2,632,500) requested for the operation of the secretariat.

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 confrontations over a long-standing land dispute between owners of African palm plantations and protesting rural agricultural workers in the Aguan Valley, Colon Department resulted in the deaths or injuries of approximately 17 agricultural workers, 13 private security guards, and one police officer. Human rights groups alleged that police and private security guards used disproportionate force against protesting workers. Plantation owners asserted that on several occasions some armed members of the Unified Aguan Agricultural Workers' Movement (MUCA) invaded their plantations, resulting in the killings of security guards. Following a November 15 confrontation between agricultural workers belonging to the Peasant Movement of the Aguan (MCA) and private security guards at the Tumbador Farm, which left at least four agricultural workers dead, the Government dispatched a 400-person, civilian-led contingent of police and military officials to Aguan, with the stated mission to disarm the opposing groups involved in the confrontation. The Government also dispatched prosecutors to Aguan to assist in police investigations, but as of year's end there were no reported investigations of the killings.

On February 4, unknown actors abducted and strangled Vanessa Zepeda in Tegucigalpa. The victim's parents alleged that her death was connected to her involvement in the anticoup Resistance movement (Resistance). On March 15, authorities arrested and charged with murder Rafael Alejandro Sierra Linares for the killing. By year's end a police investigation had concluded that the killing was not related to Zepeda's political activities, and Sierra Linares was in detention awaiting trial.

Human rights nongovernmental organization (NGO) Committee of Relatives of Detained and Disappeared in Honduras (COFADEH) reported that on February 15, four unknown men in Comayagua fatally shot Julio Funes, a member of the water and sewer workers union (SITRASANAA) and a local leader of the Resistance. COFADEH alleged that Funes had received death threats due to his anticoup activities. Police identified as suspects several gang members and stated that the killing was linked to Funes' antigang activism. At year's end there was no further information available regarding the killing.

COFADEH reported that on February 24, four unidentified persons fatally shot Claudia Larissa Brizuela at her home in San Pedro Sula. The victim's father, Pedro Brizuela, alleged that his daughter's death was related to his Resistance activities. A police investigation concluded that there was no indication that the killing was politically motivated. At year's end an investigation continued.

Human rights groups alleged that on March 12, unknown persons dressed as police officers entered the home of Resistance member Ramon Ulises Castellanos and that several hours later the bodies of Castellanos and Miguel Saucedo were found by neighbors. Both victims had been shot and killed. Police asserted that the unknown persons were impersonating policemen. At year's end an investigation continued.

On March 17, unknown persons reportedly shot and killed Francisco Castillo in Tegucigalpa. Castillo had a pending application for protective measures with the Inter-American Commission on Human Rights (IACHR) due to his alleged anticoup activities. At year's end an investigation continued.

On March 23, unknown persons shot and killed Jose Manuel Flores outside the public school where he worked in Tegucigalpa. Human rights organizations stated that Flores was active in the Resistance. Police identified a 14-year-old boy as the primary suspect. At year's end an investigation continued.

On May 26, unknown gunmen shot and killed in Tegucigalpa Pedro Antonio Gomez and Oscar Tulio Martinez, respectively the brother and brother-in-law of Arcadia Gomez, minister of social affairs in the Government of former president Jose Manuel "Mel" Zelaya. The NGO Committee for the Defense of Human Rights in Honduras (CODEH) reported that Antonio Gomez and Martinez were active in the Resistance, and that gunmen had entered the house asking for Arcadia Gomez. The IACHR had requested that the Government provide protective measures to Arcadia Gomez due to threats she allegedly received for her anticoup political activity. At year's end an investigation continued.

In August authorities arrested 10 police officers for the reported June 2 beating to death of Mario Orlando Sequeira at a hotel room in Siguatepeque after management reported that Sequeira was causing a disturbance. At an August 6 hearing, a court denied the prosecutor's request for preventive arrest but required the accused to appear before the court on a weekly basis. On September 17, authorities brought charges of homicide, torture, and illegal detention against the police chief of Siguatepeque and seven other police officers. By year's end the police chief had been dismissed, pending the results of a trial, a date for which had not been set.

On June 20, the body of 17-year-old Oscar Yovani Ramirez was found shot with 15 bullet holes at the La Aurora African palm farm in the Aguan Valley, Tocoa. Police reported that before authorities received information about the location of the body, they apprehended and detained at the farm's entrance five agricultural workers who had been discharging rifles. After police learned about the discovery of Ramirez' body, agricultural workers reportedly refused to allow officers to enter and investigate the site. In detention the workers told police that Ramirez was not with them at the time of the arrival of the police on June 20 and that Ramirez was last seen on the morning of June 19. Human rights organizations alleged that police and private security guards killed Ramirez. At year's end the prosecutor in Tocoa continued investigating the case.

Casa Alianza reported a lack of investigation by the authorities in relation to a substantial increase, in comparison with previous years, of execution-style killings by unknown persons of adolescents and children. As of September the Government reported receiving 108 complaints of killings of children, of which 36 were at the trial stage, 20 for which arrest warrants had been issued, 51 under investigation, and one for which charges had been dismissed.

There were a number of reported hate crime killings by unknown actors of members of the lesbian, gay, bisexual, and transgender (LGBT) community, including the May and August fatal shootings respectively of Neraldys and Imperia Gamaniel, leaders of the NGO Colectivo TTT (see section 6).

At year's end an investigation continued following the January 2009 arrest of Norman Gilberto Reyes for the January 2009 carjacking and fatal shooting of Rodrigo Eugenio Valladares Pineda, son of former human rights commissioner Leo Rodrigo Valladares Lanza, Edmund Jeffry Trochez, and Isaiah Nahum Bonilla Escobar.

At year's end an investigation continued regarding the February 2009 fatal shooting by unknown assailants of National Party congressional candidate Marco Tulio Velasquez in Santa Rosa de Copan.

There was no information available regarding the investigation of the February 2009 fatal shooting by unknown assailants of environmentalist Jose Miguel Pagoda Tercero, who had been assisting in the Hato de Enmedio community's reforestation.

At year's end an investigation continued into the March 2009 fatal shooting by unknown assailants of Liberal Party congressional candidate and adviser to the mayor of San Pedro Sula Oscar Heberto Mejia Villafranca.

At year's end authorities had identified a suspect in the March 2009 fatal shooting by two unknown persons of land-rights activist Miguel Angel Reyes in Cofradia. In September authorities reported that a trial would be scheduled for Adan Rodriguez Cabrera accused in the April 2009 fatal shooting of Cofradia land rights activist Juan Angel Rivera Gonzalez. At year's end there was no further information regarding the scheduling of the trial. An investigation continued into the April 2009 fatal shooting of Odilio Acosta and Santos Aguilar of the Campesino Movement of Rigores in Trujillo, Colon.

At year's end an investigation continued into the June 2009 fatal shooting by unknown persons wearing police uniforms of Andres Reyes, Marlon Javier Turcios, Heber Rendon, Felix Omar Mayorquin, Dagner Canales, Santos Sabillon, Carlos Villatoro, Allan Belis, and Harry Plama in Saba, Colon Department.

On August 2, the civil society groups Center for Investigation and Promotion of Human Rights in Honduras (CIPRODEH), Movement for Dignity and Justice, and Team for Reflection, Investigation, and Communication of the Society of Jesus submitted a complaint to the Office of the Special Prosecutor for Human Rights against former de facto regime leader Roberto Micheletti, and several other de facto regime officials including: head of the armed forces, Romeo Vasquez Velasquez; the defense minister, Adolfo Lionel Sevilla; and the security minister, Jorge Rodas. The complaint alleged the commission of multiple and systematic violations of human rights, including assassinations, torture, and illegal detention of 481 persons in El Paraíso Department between July and August 2009. At year's end of the prosecutor was investigating the case.

The Public Ministry continued its investigation into the July 2009 fatal shooting of Isis Obed Murillo during an anticoup demonstration at Toncontin Airport. By year's end the military had not given to the Public Ministry 25 of approximately 1,000 weapons, which security forces held at the airport on the day of the shooting and which the military reportedly agreed to hand over to the ministry. The Public Ministry also reported that the military twice denied requests to provide information on police and military deployments at the airport that day.

At year's end there was no further information about the prosecutor's investigation of the August 2009 death of Roger Vallejo due to gunshot injuries he received during a July 2009 anticoup demonstration in Tegucigalpa.

There was still no further information available regarding the investigation by Office of the Special Prosecutor for Human Rights into the complaint received by the IACHR that in August 2009 a military official fatally shot Pedro Pablo Hernandez at a military roadblock during curfew hours.

Police officer Denis Omar Montoya, who in September 2009 reportedly shot and killed bicyclist Jacobo Perdomo, remained at large.

At year's end there was no further information available regarding the investigation into the September 2009 shooting by unknown assailants of Jairo Sanchez, president of the labor union at the Institute of Professional Training, during an anticoup protest in Tegucigalpa. In October 2009 Sanchez died from injuries he sustained during the shooting.

There was no further information available regarding the September 2009 fatal shooting by unknown persons of Francisco Moncada Alvarado during a police dispersal of an anticoup demonstration in the Flor de Campo neighborhood in Tegucigalpa.

There was no further information available regarding the November 2009 shooting and subsequent death due to injuries of Angel Salgado when he drove through a military roadblock in Tegucigalpa.

By year's end authorities reported that the case against four gang members for the 2008 killing of labor leader Altagracia Fuentes and of Liberal Party congressional deputy Mario Fernando Hernandez Bonilla would be closed due to the deaths of the suspects.

There was no further information, and none was expected, regarding the 2008 killing of 11 persons involved in a land dispute between relatives of police official Henry Osortes and MUCA.

At year's end there was no further information available regarding the 2009 arrest of Julio Cesar Galan Rodriguez for the 2008 killing in Trujillo of Irene Ramirez, a member of the MCA.

There was no further information available regarding the case against Amilcar Antonio Hernandez, who was awaiting trial at the end of 2009, for the 2008 killing of land-rights activist and community leader Elias Murcia. There also was no further information regarding the status of the cases of Fredi Osorto and Ubence Aguilar, who were killed with Murcia.

There was no further information, and none was expected, regarding the investigation of the killings in 2008 of Danilo Edgardo Castro Hernandez, La Lima vice mayoral candidate, or of Julio Cesar Padilla, Liberal Party mayoral candidate for Morazan.

There were no developments, and none were expected, regarding four police officers, who remained at large since 2008 in relation to the 2006 killing of environmentalist Heraldo Zuniga.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that patrolled neighborhoods and municipalities allegedly to deter crime. Human rights organizations asserted that some citizen security councils (neighborhood protection groups) and 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.

b. Disappearance.—There were reports of politically motivated and other disappearances. Some disappearances, including those involving disappearances of minors, were thought to be criminally motivated abductions, and others were attributed to voluntary acts of persons leaving the country for employment elsewhere or to escape death threats. Police reported investigating 63 cases of kidnapping during the year, compared with 88 reported in 2009.

Human rights groups reported that on February 1, three unknown persons kidnapped Hermes Reyes in Siguatepeque, injuring his eye; they released him later that day. An investigation continued.

Manuel de Jesus Murillo and Ricardo Rodriguez, cameramen for Globo TV, reported to CODEH that on February 2, four unknown armed persons kidnapped, beat, and questioned them about the Resistance movement. At year's end authorities had identified four suspects and were planning to present indictments.

Oscar Flores, a CODEH volunteer and Resistance activist, reported that on April 20, unknown persons kidnapped and questioned him about his involvement in the Resistance movement. Police denied holding Flores in custody. At year's end there was no information regarding an investigation of this incident.

On October 19, two unknown persons reportedly forced into a taxi and abducted a legal consultant for the NGO Association for a More Just Society (ASJ), questioned her about her work for ASJ and involvement in investigating Technical Security of Honduras, a private company under contract with the Government; threatened to kill her; and released her the same day. On November 3, two unknown persons on a motorcycle threatened at gunpoint another ASJ lawyer, reportedly referencing the lawyer's association with ASJ and the NGO Transformemos Honduras.

There was no further information regarding the investigation of the March 2009 kidnapping by unknown actors of Bernardo Rivera Paz whose remains were found in July 2009 in Florida, Copan Department.

There was no further information, and none was expected, regarding the 2008 disappearance of Jose Alfredo Guevera, Carlos Lazo, and Hector Herrera.

There was no further information available, and none was expected, regarding an investigation into the whereabouts of public defender Juan Bautista Vargas who disappeared in 2008 and whose vehicle had been used until September 2009 by police officers without informing their superiors.

The National Reparations Program, created by government decree in 2008, did not operate after the Office of the Prosecutor Against Corruption determined that the Government had already provided compensation to some of the designated program beneficiaries. At year's end the court system was reviewing nullification of the decree creating the program.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, there were instances in which the police and military employed them, including police beatings and other abuse of detainees.

On June 30, police in Tegucigalpa reportedly arrested, forced into a vehicle, subjected to pepper spray and Tasers for several hours, and taunted about his membership in the Resistance Edwin Robelo Espinal. COFADEH and Espinal alleged that police had been harassing him and his family since 2009 due to their participation in Resistance activities. Police reported that they arrested Espinal for disorderly conduct and inappropriate behavior. On July 22, the IACHR requested that the Government provide precautionary measures to protect Espinal's life and physical security. In July government officials signed an accord with Espinal and COFADEH to provide precautionary measures. Espinal alleged that the measures provided were inadequate, and that the police involved in the June 30 incident continued to intimidate him. As of the end of December, the Office of the Special Prosecutor for Human Rights was continuing an investigation of the case.

There was no further information available regarding the whereabouts of police officer Delmi Yamileth Martinez for whom police issued an arrest warrant in August 2009 for aggravated illegal detention, torture, and threats to kill anticoup demonstrator Antonia Coello.

On February 9, unknown persons reportedly wearing military uniforms and ski masks raped a woman and her sister-in-law at their home near San Pedro Sula. According to the woman, the perpetrators stated that she was being raped for complaining to authorities that four police officers raped her in August 2009 due to her anti-coup political activities. At year's end the Office of the Special Prosecutor for Human Rights continued its investigation of the 2009 case and the February reported assault.

There was no further information available regarding any investigation of an October 2009 incident during which security forces reportedly beat on the head, kicked, and shot and injured with rubber bullets, an 18-year-old Garifuna, Luis Norales during an anticoup political demonstration in Tegucigalpa.

On September 9, a court sentenced Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo to 40 years' imprisonment for the 2007 murder of Judge Alba Leticia Bueso. Ruben Antonio Pineda Hernandez, another suspect in the case, remained at large.

Prison and Detention Center Conditions.—Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation. Authorities did not provide adequate food or other basic necessities. The ready access of prisoners to weapons and other contraband, impunity for inmate attacks against nonviolent prisoners, inmate escapes, and threats by inmates and their associates outside prisons against prison officials and their families contributed to an unstable and dangerous penitentiary system environment. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were reports that prisoners were tortured or otherwise abused in, or on their way to, prisons and other detention facilities.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Authorities at the Dr. Marco Aurelio Soto National Penitentiary at Tamara reported that while their facility was the only prison in the country with an antiretroviral treatment program, the facility did not have necessary materials to test or diagnose for HIV/AIDS, tuberculosis, or diabetes. For the nearly 3,000 inmates held at Tamara in August, there was only one dentist, and the surgical facility lacked anesthesia, surgical gloves, and needles.

There were credible reports that security officials condoned rapes and other physical assaults on LGBT detainees. Prisoners were subject to various abuses, including rape by other inmates.

Between January and August, seven inmates reportedly died due to violence with another seven dying of natural causes. Prison authorities attempted to hold prisoners from rival gangs in different facilities or in different areas of the same prison to reduce intergang violence but lacked an efficient classification system to identify potentially violent new arrivals.

Authorities reported that former prison directors Leonel Ramos Andino and Luis Trochez Pineda and prison officials Wilfredo Maradiaga Oguera and Aldo Rodolfo Oliva Rodriguez, who were charged or under investigation in 2009 with abuse of authority, were reassigned to the Preventive National Police. The country has 24 prisons, 23 for men or mixed populations, and one exclusively for women. In December the total prison population was 11,846 of which 411 were women. Forty-nine percent

of inmates had been formally sentenced while 51 percent were in the processing phase. As of late September, authorities reported that the men's section of the Tamara complex, which has a designed holding capacity of 1,500, was holding 2,779 male inmates. There were 500 additional offenders serving sentences under house-arrest.

There was one juvenile prison in Tamara, which operated under the supervision of the Honduran Institute of the Child and Family. As of September Tamara held 87 male and 34 female juvenile inmates. Judges tended to place minors in detention centers in the absence of other educational or reform programs.

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 the age of two were permitted to stay with their mothers in prison. Authorities often held pretrial detainees together with convicted prisoners. Minors were sometimes held together with adults.

Authorities generally permitted inmates with reasonable access to visitors and religious services of their choice. Authorities permitted inmates to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. The director of prisons held meetings with human rights organizations. While the Government did not directly monitor prison conditions, the National Preventive Police, National Police, and the Secretariat of State of Security investigated credible allegations from prisoners or NGOs regarding inhuman conditions. Investigations resulted in written reports, which were available to the public.

The Government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross (ICRC), and such visits occurred during the year. The visits were in accordance with ICRC standard procedures and practices.

According to the National Direction of Special Preventive Service, the National Commissioner on Human Rights (CONADEH), which performs some of the functions of an ombudsman, does not serve on behalf of prisoners and detainees for such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. These functions were performed by public, defenders, judges, and the NGO CODEH. The Secretariat of State of Security continued a major prison reform program involving the construction of new facilities to reduce overcrowding, separate the most dangerous prisoners from nonviolent offenders, and promote rehabilitation. The Government did not increase the amount of resources for maintaining or improving the prison system.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but authorities at times failed to enforce these prohibitions effectively.

There was no information available, and none was expected, regarding developments in the investigation of the 2008 unlawful detention of land-rights activists Mario Alvarez, Nelson Alvarez, Heliodoro Amador, and Alonso Andino in Suntule, Francisco Morazan Department.

Role of the Police and Security Apparatus.—The Ministry of Security oversees police operations, including those of the Honduran National Police (HNP), the National Preventive Police, Criminal Investigation Division (DGIC), Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems that impeded the effectiveness of the security forces.

The Office of Internal Affairs in the Secretariat of State of Security is charged with investigating allegations of illegal activities committed by members of the police. The HNP and the DGIC each have an office of professional responsibility that conducts internal reviews of police misconduct. At year's end there were approximately 95 ongoing investigations against police officers in relation to administrative and criminal complaints, including conduct not befitting an officer, abuse of authority, police brutality, robbery, and homicide.

During the year the National Police Academy provided 150 hours of human rights training to the Honduran Police National University, 120 hours to the National Police Academy, 60 hours to the Officers Candidate School, and 20 hours to the Police Technology Institute.

Gang violence and intimidation, notably on public transport, remained serious problems. The Government did not effectively respond to these problems.

Arrest Procedures and Treatment While in Detention.—The law provides that police can 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. The law requires police to inform a person of the grounds for arrest and bring a detainee before a competent authority within 24 hours. The law provides that the prosecutor has 24 hours to decide if there was probable cause for an indictment, and a judge then has 24 hours to decide whether to issue a temporary detention order that could 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 some felonies and the right of prisoners to prompt access to family members. The authorities generally respected these provisions effectively, and in practice detainees were promptly informed of charges against them and allowed access to family members. Although the law also provides for prisoners to have the right of prompt access to a lawyer of their choice, and, if indigent, to state-provided counsel, authorities did not always follow these requirements.

Lengthy pretrial detention was a serious problem. 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, corruption, and insufficient resources delayed proceedings in the criminal justice system.

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.

Amnesty.—On January 26, the National Congress passed a decree, which President Lobo signed on January 27, granting amnesty to persons who committed between January 1, 2008, and January 27, the political crimes of treason, terrorism, and sedition, and crimes against the form of government. The decree also provided amnesty for the following common crimes connected to political crimes: abuse of power; crimes committed by individuals against the exercise of rights provided by the constitution; and the crimes of disobedience, abuse of authority, and violation of public officials' duties. The decree's provisions excluded amnesty for human rights violations.

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.

On June 1, the Supreme Court ratified its May 5 decision to dismiss four judges and a public defender, who were members of the anticoup "Judges for Democracy" organization. Domestic and international civil society groups alleged that the dismissals were in retaliation for the anticoup activism of the dismissed four judges and one public defender. Following its May 15 to 18 visit to review the human rights situation in the country, the IACHR expressed concern about harassment directed at judges who participated in activities against the coup and stated that the reasons motivating the May 5 dismissals were "undoubtedly linked" to participation in anticoup demonstrations or expression of an opinion against the coup. The IACHR requested that the authorities reverse the decision to render the dismissals, which it stated "seriously undermines the rule of law. In July the dismissed personnel presented a petition for reinstatement to the Council for the Judicial Career. At year's end there was no information regarding any action the Government had taken to respond to the petition or the IACHR's concerns.

Trial Procedures.—The law provides for the right to a fair public trial for all citizens, permits defendants to confront or question witnesses, present witnesses and evidence on their behalf, and provides defendants access to government-held evidence relevant to their cases. Although the law recognizes 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. Jury trials are not used.

Although the law prohibits cases from proceeding where a suspect lacks legal representation, the Government allocated minimal resources to the public defenders. As

a result, the public defender was not able to meet the demand for legal assistance to those unable to afford representation.

Throughout the year common challenges to criminal prosecutions included a lack of credible evidence presented by the prosecution, lack of witness protection, widespread public distrust in the legal system, and judicial corruption.

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

Regional Human Rights Court Decisions.—On June 10, to comply with an Inter-American Court of Human rights ruling, the Government held a public ceremony to commemorate the 1995 murder in Tela of environmental activist Blanca Jeanette Kawas Fernandez. At the ceremony, President Lobo stated that the Government would comply with all other provisions of the ruling.

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. 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 into a private residence 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 occasionally failed to obtain the required authorization before entering a private home.

At year's end, an investigation continued regarding a July 2009 incident during which military officers reportedly entered the home of former president Zelaya's cousin, former Liberal Party congresswoman Margarita Zelaya, allegedly to intimidate her.

Garifuna and other ethnic minority 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 6).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the laws provide for freedom of speech and of the press, and upon assuming office on January 27, the Lobo government respected these rights in practice. Independent media were active and expressed political views without government restriction, and individuals could criticize the Government publicly or privately without government reprisal.

On August 31, the Government abrogated decree number 124-2009, which the de facto regime adopted in October 2009 to authorize the National Council on Telecommunications to cancel licenses of television and radio stations disseminating messages that generated "national hate, promoted social anarchy, or disturbed the peace."

The news media continued to suffer from venality, politicization, vulnerability to special interest manipulation, and weak professionalism in reporting and analyzing news. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the country's news media and substantially influenced the political and factual content of reporting.

During the year there were reports that unknown actors killed 10 journalists and intimidated other members of the media. In May, June, and September, the IACHR expressed serious concerns about acts of violence against journalists. On August 25, President Lobo publicly pledged to investigate fully these killings. On September 20, the IACHR requested that the Government take all measures necessary to prevent such acts and duly to investigate and punish the perpetrators.

On March 1, unknown actors fatally shot Joseph Antony Hernandez while he was driving a vehicle in which procoup journalist Wendy Carolina "Karol" Cabrera was a passenger. Cabrera suffered a gunshot wound, but survived. At year's end an investigation continued. The Office of the Prosecutor continued its review of the December 2009 case involving the fatal shooting by unknown assailants of Catherine, the daughter of Cabrera, and Catherine's unborn child.

On June 1, authorities issued arrest warrants for Mario Roberto Guevara and three other persons in relation to the March 11 fatal shooting of journalist David Enrique Meza in La Ceiba. On August 19, Guevara voluntarily turned himself into police but declared his innocence. On August 25, authorities temporarily dismissed the charges against Guevara. At year's end the Public Ministry continued its investigation of the case.

On March 14, unknown assailants shot and killed Nahum Palacios, director of Aguan television Channel 5, who allegedly was illegally detained and beaten while

in police custody in June 2009, in Tocoa, Colon Department. On April 20, authorities charged Hector Tercero with abuse of authority, illegal detention, and harassment in relation to the detention of Palacios. On December 19, the press reported that the Supreme Judicial Court confirmed a lower court's dismissal of these charges. At year's end the case against Tercero remained under appeal and an investigation continued into the killing of Palacios.

On April 21, "Georgino" Jorge Alberto Orellana, was fatally shot after broadcasting a program at Channel TVH. Authorities arrested Jonathan Joseph Cockborn in Villanueva, Cortes Department, who at year's end remained in detention.

By year's end authorities were investigating the killings by unknown individuals of the following journalists: Jose Bayardo Mairena of Radio Excelsio and Channel RZ and Victor Manuel Juarez on March 26; W105 radio show host Luis Antonio Chevez on April 26; Luis Arturo Mondragon, owner and news director of TV Channel 19, on June 15; radio journalist Israel Zelaya on August 24; and Henry Suazo on December 28.

On September 14, unknown persons fired shots at Radio Globo journalist Luis Galdamez Alvarez, who was able to flee the scene unharmed. On September 20, the IACHR condemned the attack and expressed concern that the authorities had failed to provide adequate protective measures to Galdamez Alvarez, which the commission had requested in July 2009, due to death threats the journalist had been receiving. At year's end the Public Ministry was investigating this case.

There was no further information available regarding a trial of officers Dora Elvira Rivera Zuniga, Leonardo Rerrufino, and Walter Castellanos of DGIC on charges of detention and abuse of authority for detaining La Tribuna newspaper reporter Martin Ramirez in February 2009.

As of November there was no further information available regarding an investigation of the March 2009 fatal shooting by unknown assailants of Radio Cadena Voces correspondent Rafael Munguia, who had been reporting on organized crime and gangs.

By year's end authorities had presented evidence and begun judicial proceedings regarding the April 2009 attempted killing by unknown gunmen of reporter and owner of television station Telemaya Channel 12, Carlos Roberto Chinchilla.

In June the First Court of Appeals overturned a lower court's decision dismissing criminal charges against army Lieutenant Colonel Jose Arnulfo Jimenez for abuse of authority in occupying anticoup television station Channel 30 during the coup in June 2009. The court's decision required, however, that a public trial be scheduled for the case, Jimenez would report to the court twice per month and would be prohibited from approaching Channel 36 or its owner. On August 31, the judge presiding over the second stage of the criminal process provisionally dismissed the charges. By year's end the prosecution had appealed the dismissal.

There was no further information available regarding a 2009 pending Public Ministry investigation into the legality of the de facto regime-imposed decree 016-2009 restricting freedom of expression and other civil liberties; the military's June 2009 damage to equipment; censorship and blocking of transmissions of Radio Globo, Radio Progreso, Cable Color, Channel 8, television stations Channel 11 and Channel 36; or the August 2009 damage by masked individuals to equipment of Radio Globo and Channel 36.

At year's end, an investigation was ongoing into the July 2009 fatal shooting by masked assailants of radio journalist Gabriel Fino Noriega who had been covering anticoup activities in Atlantida Department.

On September 10, the Supreme Judicial Court dismissed the cases against former de facto regime head of the National Telecommunications Commission Miguel Rodas and others for abuse of authority in relation to the September 2009 forced closure of Channel 36 and Radio Globo, after the prosecutor appealed a lower court's April 13 dismissal of the original indictment.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Generally individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were approximately 10 Internet users per 100 inhabitants, and lack of infrastructure in rural areas greatly limited access for many persons.

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, which the Government generally respected.

On August 3, pursuant to the Honduran National Autonomous University's request for police assistance to control approximately 100 students, current and former university employees, and suspected gang members who had taken control of the university's main gate, police used tear gas to respond to rocks and other projectiles thrown at them by protesters. Four police and four protesters suffered minor injuries.

Human rights NGOs alleged that the security forces employed disproportionate force, including the spraying of tear gas, during striking teachers' demonstrations on August 18, in Choloma and on August 20, 26, and 27, in Tegucigalpa. At the August 26 demonstration outside the presidential office building, demonstrators attacked security forces with rocks and sticks containing embedded nails. On August 21, a court hearing was held for demonstrators Luis Alonso Sosa Salgado, Edgar Arnulfo Soriano Davila, Andres Martinez Solorzano, and Carlos Francisco Anariba, who were arrested on August 20 and charged with carrying out an illegal demonstration. The four demonstrators were reportedly released on condition that they appear before the court weekly. On September 16, a court found the demonstrators not guilty of sedition and suspended the charges. CODEH asserted that security forces did not release information about the contents of the tear gas, impeding the ability of hospitals to treat persons exposed to the spraying during the demonstrations.

Freedom of Association.—The constitution and the law generally provide for freedom of association, and the Government generally respected this right in practice. The penal code prohibits illicit association and prescribes prison terms of two to four years and a fine between 30,000 and 60,000 lempiras (\$1,500 to \$3,000) for anyone who convokes or directs an illicit meeting or demonstration, defined as those attended by persons bearing arms, explosive devices, or dangerous objects with the goal of committing a crime. The penal code prescribes prison terms between 20 and 30 years and a fine between 100,000 and 300,000 lempiras (\$5,000 and \$15,000) to heads of gangs or other groups that associate to commit a crime. Human rights organizations continued to criticize the law and its implementation as an undue restriction on the right to associate freely. LGBT advocacy groups continued to express concerns that the law could be used to criminalize social activities and organizations of the LGBT community. On November 18, the legislature approved a law against terrorist financing that enables the Government to close business organizations deemed to be engaged in terrorist financing. NGOs expressed concern that the Government could use the law to close NGOs for political reasons.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 Government abrogated decrees instituted in 2009 that limited movement within the country.

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, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees.—The country's law provides for the granting of asylum or refugee status, and the Government has established a system for providing protection to refugees.

In law and practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Government determined that eight persons holding South African passports, who were detained in 2008 and later applied for asylum, were citizens of Eritrea. The Government reported that it granted them 90-day residence permits and, as of September, the eight persons had withdrawn their asylum applications and voluntarily returned to Eritrea.

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. Citizens exercised this right in practice through periodic, free, and fair

elections held on the basis of nearly universal suffrage. The law does not permit active members of the clergy and of the military and civilian security forces to vote.

Elections and Political Participation.—On January 27, Porfirio Lobo assumed office for a four-year presidential term, following elections in November 2009 that international observers considered to be free and fair.

Political parties could operate without restriction or outside interference. Women participated actively in politics. Women held 30 of 128 seats in the National Congress. Thirty women were alternate members of congress. Six women sat on the 15-member executive board of congress, and 12 women presided over congressional committees. One of three presidential designates in the Government, with equivalent status to that of a vice president, was a woman. There were three female cabinet members, namely the secretaries of state for justice and human rights, tourism, and social development.

The National Congress had one Misquito community member and one Afro-Honduran member. The cabinet-level minister of the Secretariat of State for Indigenous and Afro-Honduran Affairs, created on October 14, was an Afro-Honduran.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption. However, authorities did not effectively implement the law. The World Bank governance indicators reflected that government corruption was a serious problem. Government institutions were subject to corruption and political influence, and officials engaged in corrupt practices with impunity.

Public officials are subject to financial disclosure laws. The Public Ministry, police investigative services, and the Superior Accounting Tribunal are the Government agencies responsible for combating corruption. There is an Anti-Corruption Inter-Institutional Working Group composed of the Superior Accounting Tribunal, the Office of the Solicitor General, the Public Ministry, the Supreme Court, the Institute for Access to Public Information, the National Commission of Human Rights, and the Anti-Corruption Council. There was a widespread public perception that the country's anticorruption institutions had not taken the steps necessary to combat corruption and were unwilling or lacked the professional capacity and or the resources to investigate, arrest, and prosecute those involved in high level corruption.

On February 23, the Government expressed its commitment to transparency and accountability by declaring the Year of Transparency and enacting an executive decree, signed by all members of the cabinet, pledging adherence to an ethical pact. President Lobo and the cabinet also appeared before the Superior Accounting Tribunal to file legally required sworn statements about their property and assets. On September 8, the Secretariat of State of Interior and Justice and the National Anti-Corruption Council signed a framework convention on interinstitutional cooperation.

Following an April 2009 IACHR request, the Government provided protective measures to Ines Yadira Cubero Gonzalez, the victim of a March 2009 attempted shooting. Authorities charged police officers Denis Geovanny Orellana and Jorge Meza Cruz with violation of their duties as public officials. Authorities reported that the Orellana and Meza Cruz would be tried, but as of year's end no date had been set.

On July 2, authorities arrested Marcelo Chimirri, the former head of the state-owned telephone company, Hondutel, and charged him with embezzlement involving alleged bribes paid to Hondutel officials. Chimirri remained in custody during his trial. Upon sentencing he paid a fine in lieu of serving time in prison, a legal option for prison sentences of under four years. On August 22, authorities brought corruption charges against Hondutel auditor Julio Daniel Flores. On November 4, an appeals court upheld a guilty verdict, which was issued earlier in the year against Flores.

By year's end the prosecutor had appealed a court decision to dismiss abuse of authority charges against Enrique Flores Lanza, secretary of the presidency under the Zelaya administration, for allegedly withdrawing in June 2009, 40 million lempiras (\$2 million) from the central bank. Lanza remained at large and his whereabouts were unknown.

On April 9, authorities dismissed charges of abuse of authority, issued in July 2009, against Zelaya administration executive vice president Aristides Mejia and head of the state energy company Rixi Ramona Moncada. On June 1, abuse-of-authority charges against Zelaya administration finance minister Rebeca Santos were suspended pending a Court of Appeals ruling.

The Government allowed access to public information for citizens and noncitizens, including foreign media through the Institute for the Access to Public Information (IAIP). The institute operated a Web site for citizens to request information from government agencies and is responsible for ensuring that government institutions

comply with the Government transparency rules and practices for permitting access to public information. If a government agency denies a request for public information, a party can submit a claim with the IAIP, which has the authority to grant a resolution, including sanctioning noncompliance with fines. During the year IAIP staff travelled nationwide to increase public awareness of the Law on Transparency and Access to Public Information and entered into an agreement with secondary schools to enhance community awareness of the law.

There was no further information, and none was expected, regarding the Public Ministry's January 2009 announcement that it had reopened a 2008 case involving a Cuban immigrant trafficking network.

At year's end a trial was underway for the 2008 case against Guillermo Seaman for approving fraudulent certifications of airline employees.

Section 5. 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 domestic and international NGOs and were usually responsive to their views. A number of human rights defender groups refused to recognize the Lobo government and, therefore, would not meet executive branch officials to discuss human rights issues. Some groups subsequently resumed dialogue with the Government. The Government met with Garifuna advocates and other human rights and civil society organizations and responded to their inquiries and recommendations.

In a report issued on June 3 regarding its May 15 to 18 visit, the IACHR stated that the Government's efforts to implement precautionary measures to protect human rights defenders and other persons due to intimidation reportedly connected with their political activities, were inadequate and, in some cases, nonexistent. On June 7, the IACHR noted that based on its May visit observations, human rights defenders, journalists, social communicators, teachers, trade union members, and members of the Resistance were subject to threats and harassment. The commission further stated that complaints received from members of these groups could correspond to the same pattern of violence begun in the context of the June 2009 coup, but that the authorities were not investigating the killings and other forms of intimidation in a way to make it possible to clarify whether the incidents were related to the context of the coup.

On August 30, the Government requested that the Office of the High Commissioner on Human Rights (OHCHR) open an office in the country. The OHCHR appointed a two-person team to provide staff for advising the Government and assisting government and civil society on protecting human rights in the country.

There was no further information, and none was expected, regarding an investigation of the 2008 killing by unidentified gunmen of educator and CONADEH member Luis Gustavo Galeano Romero.

On March 12, President Lobo created the position of presidential commissioner for human rights and appointed Ana Pineda as commissioner to formulate government human rights policy. On September 28, the National Congress approved the creation of a Secretariat of State for Human Rights and Justice, and on November 22, swore in Pineda as minister for the secretariat. Pineda's mandate is to promote and execute interinstitutional coordination of respect for human rights; to design policies and programs to strengthen rule of law, access to justice, and protection of vulnerable groups; and to increase public awareness about human rights. The secretariat was considered to be effective in fostering dialogue with civil society, but by year's end the Government had allocated only 35 million lempiras (\$1,842,100) of the 50 million lempiras (\$2,632,500) Pineda had requested to operate the secretariat.

CONADEH was headed by Human Rights Commissioner Ramon Custodio Lopez. Domestic and international human rights organizations lacked confidence in Custodio's work, which they viewed as partisan, politicized, and supportive of the June 2009 coup. In October CONADEH released one special report on public security designed to assist in fostering a national environment for respecting human rights and public security. The report highlighted lack of citizen confidence in the police, which deterred many victims from reporting abuses, and lack of adequate investigation as primary reasons for the high rate of impunity in the country. The Government did not respond to the report.

On May 4, the Government installed the Truth Commission, provided for under the Tegucigalpa-San Jose Accord with the goal of producing an objective report about the facts surrounding the June 2009 coup. The commission, designed to operate for nine months, consisted of three international and two Honduran commissioners. On June 8, former president Zelaya called on the members of his former

government not to cooperate with the Truth Commission. On June 28, the Human Rights Platform, made up of six human rights NGOs: Center for the Rights of Women, Center of Prevention, Treatment, and Rehabilitation of the Victims of Torture and their Relatives, For the Right to Food, CIPRODEH, CODEH, and COFADEH, established an alternative "Commission of Truth."

Section 6. 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 suffered social and economic discrimination and, along with other vulnerable groups, experienced an erosion of human rights protections following the 2009 coup.

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. Rape was reportedly a serious and pervasive societal problem. Through September the police reported receiving 2,048 cases of rape with 1,697 of these against minors.

Violence against women, including systematic killing, occurred throughout the year. The law criminalizes domestic violence with between two and four years' imprisonment. The only legal sanctions for lesser forms of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intra-familial violence. In many cases, victims were reluctant to press charges against abusers, and the authorities did not enforce the law effectively.

The police reported receiving 7,742 complaints of domestic abuse. The National Criminal Investigation Division reported 267 killings of women during the year. There were two local government-operated domestic violence shelters: one in Choluteca and another in La Ceiba, which received assistance from the Spanish government. NGOs operated shelters in Santa Rosa de Copan and Juticalpa. However, the Government provided insufficient financial and other resources to enable these facilities to operate effectively.

Women were trafficked for sexual exploitation and debt bondage. There were no reports that the Government was involved or complicit in these activities.

The law prohibits sexual harassment in the workplace and provides penalties of one to three years' imprisonment, but the Government did not effectively enforce the law, and sexual harassment continued to be a problem. The Secretariat of State of Labor and Social Security, the Public Ministry and the National Institute of Women promoted enforcement of the law, through public awareness campaigns to encourage public reporting of sexual harassment.

Couples and individuals had basic rights to decide freely and responsibly the number, spacing, and timing of their children. Information about access to contraception was widely available, and access to contraception was free from discrimination, violence, and coercion. Skilled attendance, including essential obstetric, prenatal, and postpartum care before and during childbirth and access to maternal health services were available only to those that could afford it. According to the UN Population Fund, only 67 percent of births were attended to by trained medical personnel. The UN Population Fund reported an estimated maternal mortality rate of 110 deaths per 100,000 live births in 2008.

As of June all targeted national hospitals complied with the law for obtaining signed consent forms for patients undergoing voluntary female sterilization. There was no known difference in access of men and women to diagnosis and treatment for sexually transmitted infections, including HIV.

Although the law accords women and men equal rights, 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. Workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment.

The National Institute for Women develops government policy on women and gender. On July 28, the Government enacted a National Plan on Equality and Gender

Equity to incorporate objectives to achieve gender equity. In August the Supreme Electoral Tribunal established an office for gender equity. The NGO Center for the Rights of Women actively addressed women's issues.

Children.—Birth registration was widely available. Under the constitution, citizenship is derived by birth within the territory, from one's parents, or by naturalization.

Child abuse was a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. The Government reactivated the Permanent Commission on Protection for the Physical and Moral Well-Being of Children, coordinated by the Secretary of State of Interior and Justice, for unifying and coordinating public and private entity efforts to combat child abuse.

Abuse of youth and children in poor neighborhoods remained a serious problem. Police, gangs, and members of the general population engaged in violence against poor youth and children. Human rights groups alleged that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals, suspected gang members, and other youths not known to be involved in criminal activity. At year's end there was no information available about developments in two cases Casa Alianza reported in 2009 regarding cruel police treatment of minors.

Trafficking in children for commercial sexual exploitation and child prostitution were problems. Penalties for facilitating prostitution are between nine and 15 years in prison and a fine ranging between 50,000 and 100,000 lempiras (between \$2,360 and \$5,290). The penalty increases by half if the victim is less than 18 years of age. There is no statutory rape law, but the penalty for rape of a minor under the age of 12 is between 15 and 20 years in prison and between nine and 13 years if the victim is the age of 13 or older. The law prohibits the use of children less than 18 years old for exhibitions or performances of a sexual nature and in the production of pornography.

The country was a destination point for child prostitution. The Honduran embassy in Guatemala and the National Forum for Migration in Honduras reported continuing problems with child prostitution in municipalities near the Honduras-Guatemala border.

In July the UN Children's Fund and the Honduran Commission Against Commercial Sexual Exploitation and Trafficking in Children and Adolescents launched the "Break the Silence" campaign for highlighting the problem of child exploitation and coordinating a coherent policy response. The Office of the Prosecutor for Crimes against Children reported that there was no clear state policy for caring for child victims of sexual exploitation or other abuse.

Casa Alianza operated three shelters (with a daily capacity for 180 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems and provided vocational and educational training for the parents of 365 children at risk. The Government established a hotline where suspected crimes against children could be conveyed directly to investigative authorities. Authorities reported receiving more than 300 calls to the hotline within the first 48 hours of its operation in May.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community, which lived primarily in San Pedro Sula, numbered approximately 1,000 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical, sensory, intellectual, 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. Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. There were no verifiable 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, and the Government did not effectively implement laws or programs to ensure such access. The Honduran National Federation of Organizations for Persons with Disabilities stated that the national library contained the nation's only copy of the constitution in Braille. One publicly available National Educational

Television program used sign language interpretation to familiarize viewers with the constitution.

The Government created a disabilities unit in the Ministry of Social Development and a Secretariat of the Presidency Special Commissioner for Disabilities. The National Congress Committee on Human Rights established an internal committee to act as congressional liaison for disabilities. The Directorate General for the Development of Persons with Disabilities expressed concern that disability issues had not been incorporated into the Government's National Development Plan.

A trial was scheduled for September 17 in relation to the March 2009 arrest of former principal Melvin Alvarado Diaz for allegedly sexually molesting 16 students at Pilar Salinas School for the Blind. At year's end Alvarado was on temporary release pending trial.

Indigenous People.—Approximately 621,000 persons, constituting 8 percent of the general population, were members of indigenous and other ethnic minority groups. These groups, including the Misquitos, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay 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 by 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 minority communities. Indigenous and nonindigenous communities criticized the Government's alleged complicity in the exploitation of timber and other natural resources on these lands. Indigenous groups maintained that their community-based land systems more effectively protected their lands from encroachment by large landowners and that outside groups engaged in illegal activities. Garifuna leaders continued to allege that groups engaged in drug smuggling and other contraband trafficking had illegally appropriated vast areas of their communal lands.

On September 15, Maya-Chorti community members stated that if the Government did not respond by September 17 to their long-standing concerns about non-compliance with land restitution commitments made in 2008, provide payments to teachers for indigenous students, and address landowner threats to eject community members from Maya-Chorti lands, the community would consider taking over the Mayan Ruins Archeological Park in Copan. There was no information regarding whether the Government had responded to the community's concerns. By year's end there had been no takeovers of the ruin site.

On June 2, a court in Tegucigalpa absolved Pedro Antonio Chirnos Reyes of the 2008 killing of Tolupan youth Geovanny Banegas Sevilla and, on the same day, a court in Talanga, Francisco Morazan, absolved Chirnos Reyes of the 2008 killing of Tolupan youth Jose Mastul.

The National Criminal Investigation Directorate determined that the crime alleged in a complaint involving the 2008 reported abduction and physical assault of Garifuna activist Santos Feliciano Aguilar Alvares by 10 private security guards in San Juan Tela, Atlantida Department, was a misdemeanor and not punishable by imprisonment. However, at year's end the Office of the Prosecutor for Ethnicity and Cultural Patrimony reported that it had retaken the case and was investigating the matter with a view to presenting it as a criminal offence punishable by imprisonment.

At year's end the Office of the Prosecutor for Ethnicity and Cultural Patrimony continued an investigation based on a complaint filed in 2008 by anthropologist Danira Miralda Bulnes that the National Congress did not consult with indigenous Misquito, Tawaka, Pech, and Lenca populations when granting a private concession to build several dams on the Rio Patuca in 1997. Indigenous communities claimed that the dams negatively affected their welfare and livelihood.

Persons from indigenous and Afro-descendant communities continued to experience discrimination with respect to employment and occupation, education, housing, and health services. There were minimal government efforts to combat this discrimination.

On November 30, the Government swore in Luis Green, a member of the Garifuna community, to the cabinet-level position heading the Secretariat of State for Indigenous and Afro-Honduran Affairs, which was established on October 14. The Government provided the ministry with a budget of 35 million lempiras (\$1.85 million).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no discriminatory laws based on sexual orientation,

but in practice social discrimination against persons from sexual minority communities was widespread. Representatives of NGOs focusing on sexual diversity rights asserted that throughout the year security forces killed and abused their members. The prosecutor often encountered serious difficulties in investigating suspicious deaths of LGBT persons because the victims had concealed their identity or sexual orientation.

Criminal investigations did not recognize a “transgender” category. Sexual minority rights groups asserted that throughout the year 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 LGBT victims reluctant to file charges or proceed with prosecutions.

In January the NGOs Lesbian Gay Rainbow Association of Comayagua (ARCOIRIS) and CIPRODEH released a report documenting killings and other serious human rights abuses reportedly perpetrated by member of the security forces and other individuals against members of the LGBT community. For example, on September 9, a court sentenced police officer Amado Rodriguez Borjas to between 10 and 13 years’ imprisonment for a 2008 attack on Nohelia, a transgender person, who had resisted Rodriguez Borjas’ advances. On September 8, a court found Rodriguez Borjas guilty of aggravated attempted homicide for attacking “Protected Witness E,” who had witnessed the assault on Nohelia. As of October Rodriguez Borjas, in prison for the attack on Nohelia, was also awaiting sentencing in the “Protected Witness E” case.

On May 17, the LGBT community organized a demonstration in Tegucigalpa to raised awareness about homophobia. In July the NGO Gay Community of San Pedro Sula organized a gay pride event, which the Government authorized. On December 13, the LGBT community organized a demonstration in front of the Public Ministry to commemorate the one-year anniversary of the killing of LGBT and HIV/AIDS activist Walter Trochez. It was not known if the police provided sufficient protection for participants at these events.

In May unknown persons fatally shot in San Pedro Sula transvestite Neraldys, vice president of Colectivo TTT. On August 31, two unknown persons on a motorcycle reportedly fatally shot in San Pedro Sula transvestite sex worker and president of the LGBT NGO Colectivo TTT, Imperia Gamaniel Parson. Human rights advocates asserted that these killings were hate crimes. LGBT activists submitted a complaint to the prosecutor in San Pedro Sula. At year’s end there was no information regarding any investigation of these killings (see section 1.a.).

In October LGBT activists reported that authorities located the vehicle used by unknown assailants in the January 2009 fatal shooting of Cynthia Nicole, a transgender sex worker. LGBT rights defenders also reported that authorities were in the process of issuing an arrest warrant for a suspect.

At year’s end, there was no information available regarding any investigation of the June 2009 fatal shooting by unknown assailants of transvestite sex worker Vicky Hernandez Castillo in San Pedro Sula during a curfew imposed by the de facto regime.

At year’s end there were no known developments in the prosecutor’s investigation of the December 2009 fatal shooting by unknown assailants of LGBT activist Walter Orlando Trochez in Tegucigalpa.

There was no information available, and none was expected, regarding any response by the Committee on Human Rights to an LGBT rights advocate’s complaint that authorities reportedly denied transgender persons national identity cards because the applicants were wearing cosmetics and feminine accessories.

On June 9, a tribunal in Tegucigalpa sentenced police officer Nelson Daniel Gaytan to 39 months imprisonment and a fine of 50,000 lempiras (\$2,630) for the crime of illegal detention in relation to the 2007 police beating, detention, and gang rape while in detention, of LGBT activist Donny Reyes.

There was no information available, and none was expected, regarding the status of a police officer awaiting trial in 2009 for unlawful detention in 2007 of several members of ARCOIRIS.

Other Societal Violence or Discrimination.—There was no reported widespread societal violence or discrimination against persons based on their HIV/AIDS status.

Job-related age discrimination remained a serious problem.

Section 7. 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 prohibits certain public service employees from going on strike or participating in collective bargaining. There were an estimated 519 unions

representing approximately 8 percent of the work force, excluding the agriculture sector.

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, and requires that union officials be employed in the economic activity of the business the union represents.

Union leaders were subjected to violence and threats. On September 17, unknown actors shot and killed Juana Bustillo, the regional president of the Social Security Institute's labor union after he left a meeting with workers. Several other unionists, who were also members of the Resistance movement, were killed, including Vanessa Zepeda, member of the Social Security Institute union; Julio Funes Benitez, member of the water and sewer workers' union; and Jose Manuel Flores Arguijo, member of the teachers' union (see section 1.a.). Labor leaders reported receiving death threats and other forms of intimidation.

On November 3, unknown actors shot at, but did not harm, Pedro Elvir, president of the National Children's Foundation Union (SITRAPANI). Elvir was returning to his office after participating in a protest against the rate of the minimum wage increase and a law legalizing temporary employment. The SITRAPANI leadership has reported threats to the organization and increased monitoring by unknown individuals since the coup.

COFADEH reported that in February unknown persons broke into the house of a vice president of the Beverage Workers Union (STIBYS) and that in May armed men entered into the offices of STIBYS and fired shots at a labor leader. At year's end no progress had been reported in the investigations.

There were no new developments regarding a Public Ministry investigation into the location of union leader Lorna Jackson, who remained in hiding since 2008 after receiving death threats in relation to the 2008 dismissal of 1,800 workers at Alcoa factories in El Progreso and Choloma.

The law permits unions to operate without government interference, and the Government generally respects this right in practice. The law provides for the right to strike, and workers exercised this right in practice. However, the law places several restrictions on this right, including prohibiting labor federations and confederations from calling strikes and requiring that a two-thirds majority of the total membership of the trade union call for a strike. The law also prohibits strikes in a wide range of economic activities that the Government deemed essential services and any others that, in the Government's opinion, affect individual's rights to security, health, education, economic, or social life. In addition transportation workers are, by law, not permitted to go on strike while en route to their scheduled destination.

Strikes in the public sector are illegal in certain areas where the Government determines public health and welfare would be affected. Public-sector health care workers, social security workers, municipal sanitation workers, staple food production workers, and public water, electricity, and telecommunications workers are allowed to strike, but they must continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products must submit their grievances to the Ministry of Labor and Social Security prior to striking.

Civil servants occasionally engaged in illegal work stoppages without experiencing reprisals. However, the Ministry of Labor has the power to declare such work stoppages illegal and to dismiss the protesting workers. The International Labor Organization (ILO) continued to express concerns about the Government's authority to end disputes in several sectors, including oil production and transport. It also noted with concern the law's requirement that employees in state-owned enterprises must either obtain the Government's previous authorization or give six months of notice before striking.

On August 31, the Government reached an agreement with the teachers' union, which ended strikes that had lasted for more than 20 consecutive days, and teachers returned to work in their classrooms. The strikers had called for an increase in the minimum wage, payments to the pension fund, and reinstatement of dismissed colleagues. Teachers were on strike for 42 days of the 200-day school year during the year. This was down from 56 days in 2009. On November 8, the Ministry of Education announced that striking teachers who did not submit grades for their students would not be paid.

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 with impunity to engage in bargaining.

Antiunion discrimination was a serious problem. Although the law prohibits employer retribution for engaging in trade union activity, employers commonly threatened to close unionized factories and harassed or dismissed workers seeking to unionize—including firing leaders soon after unions were formed to prevent the union from functioning. Failure to reinstate workers was a serious problem. The Ministry of Labor can reach administrative decisions and fine companies for unfair dismissal, but the ILO noted that penalties for such discrimination were inadequate and lacked credibility in the eyes of companies and municipalities. The Government also did not allocate adequate resources to the Ministry of Labor for labor inspectors to perform their duties. Moreover, only a court can order reinstatement of workers. Employers often failed (with impunity) to comply with court orders requiring them to reinstate workers fired for engaging in union activity.

Although the law prohibits blacklisting, there was credible evidence that apparel assembly factory employers continued with impunity to blacklist employees seeking to form unions. Some companies also established employer-controlled unions, thereby preventing the formation of an independent union because of the restriction permitting only one union per company.

On July 28, Nike agreed to pay 31 million lempiras (\$1.6 million) to a relief fund for workers as part of the settlement of a dispute with the union representing former workers at Nike supplier factories Hugger and Vision Tex, which were closed in 2009.

On March 4, the Fruit of the Loom/Russell Corporation inaugurated its Jerzees Nuevo Dia factory in Choloma. The reopening of the factory followed the November 2009 signing of an agreement between Fruit of the Loom/Russell Corporation and the factory union SITRAJERZEESH.

There were allegations that the mayor of Choloma dismissed 28 municipal employees in retaliation for their union activities. At year's end the mayor continued to challenge the union organizers' efforts to reinvigorate a dormant municipal workers' union. The mayor claimed that the union organizers did not provide him with the required list of 30 eligible municipal workers required to form a union and that the union included names from the municipal water authority, a public-private partnership. The union organizers rejected this claim and continued their efforts to form a union. On November 30, the mayor signed a pledge to reinstate municipal employees who had allegedly been fired for union activity. However, on December 3, he stated that his signature had been forged and that none of the employees would be rehired.

Strikes are permitted in the 102 registered export-processing zones (EPZs) and the 19 industrial parks operating as EPZs. However, the law requires that strikes not impede the operations of other factories in the industrial parks. An additional 26 companies that provided services for industrial parks had their own free zones, outside the industrial parks. Workers are permitted to strike in these zones as long as strikes are held in accordance with similar labor code requirements as those that govern the EPZs. 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 prohibits forced or compulsory labor; however, there were some reports that such practices occurred. The International Trade Union Confederation also reported allegations that factory management in EPZs required compulsory overtime, with some factories enforcing this requirement by locking workers inside.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law regulates child labor, sets the minimum age for employment at 14, 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 the age of 18 at six hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the Ministry of Labor to allow children between the ages of 14 and 15 to work, and the ministry is supposed to perform a home study to ensure that the child demonstrates an economic necessity to work and that the child will not work outside the country or in hazardous conditions, including offshore fishing.

The law prohibits night work and overtime for minors under the age of 18 and requires that employers with more than 20 school-age children working at their business facility provide a location for a school. The law provides for between three and five years in prison for persons violating child labor laws. In practice the vast majority of children who worked did so without ministry permits.

Child labor was a problem. A household survey of 2008, the most recent available, found that approximately 370,000 children between the ages of five and 17 and 123,600 children between the ages of five and 14, representing 12 percent and 6 percent respectively of the populations in those age groups, were child laborers. Children often harvested melons, coffee, and sugarcane; rummaged at garbage dumps; worked in the forestry, hunting, and fishing sectors; and worked as deckhands and divers in the lobster industry. Children worked as domestic servants, peddled goods such as fruit, begged, washed cars, hauled loads, and were employed in limestone and lime production. Most child labor occurred in rural areas. Children worked, often out of economic necessity, alongside other family members in agriculture and in other sectors such as fishing, construction, transportation, and small businesses. Children were engaged in the worst forms of child labor in lobster fishing, harvesting coffee and sugar cane, and production of lime and limestone.

The Government did not devote adequate resources or inspectors to follow up, prevent, or monitor compliance with child labor laws. The Ministry of Labor, the Government agency responsible for enforcing child labor laws, did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws. During the year the ministry received 24 complaints of companies violating child labor laws. At year's end there was no information regarding a resolution of these complaints. There was no known change to the practice of appointing child-labor inspectors only to offices in Tegucigalpa and San Pedro Sula, which reportedly limited the Ministry of Labor's ability to investigate allegations of child labor, particularly in rural and other remote areas.

e. Acceptable Conditions of Work.—On October 31, the Ministry of Labor announced the minimum wage for the year. The wages were retroactive to September 1. For businesses with one to 20 employees, the minimum wage remained 5,000 lempiras (\$291) per month in urban areas and 4,055 lempiras (\$214) per month in rural areas. For businesses with 20 to 50 employees, the minimum wage was increased to 5,665 lempiras (\$300) in urban areas and increased to 4,167 lempiras (\$220) in rural areas. For businesses with over 50 employees, the minimum wage was increased to 5,886 lempiras (\$311) in urban areas and 4,339 lempiras (\$230) in rural areas. The minimum wage in the maquila sector remained unchanged at 3,894 lempiras (\$206). In practice many employers did not pay employees the legal minimum wage. The ILO reported that the national minimum wage did not provide a decent standard of living for a worker and family.

The law applies equally to national and foreign workers and prescribes a maximum eight-hour shift per day, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Employers frequently ignored these regulations, and the Ministry of Labor failed to effectively enforce these requirements.

There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who made up approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. 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 were paid for only 44 hours. The labor rights of domestic workers are, in practice, rarely protected by labor laws. These household workers often lacked contracts and were paid salaries below the minimum wage. As many lived on-site, their work hours often varied widely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every other day on 24-hour shifts, which violated labor law restrictions on maximum number of hours worked.

The Ministry of Labor is responsible for enforcing national occupational health and safety laws, but it did not do so consistently or effectively. Worker safety standards were enforced poorly, particularly in the construction industry, the garment assembly sector, and in agriculture production activities. The ILO reported that labor law violations discovered during inspections were typically corrected, although the limited number of inspectors precluded comprehensive inspections of worksites. Because labor inspectors were concentrated in Tegucigalpa and San Pedro Sula, complete labor inspections as well as follow-up visits to confirm compliance with findings were far less frequent. The law does not provide workers with the right to leave a dangerous work situation without jeopardy to continued employment.

The Ministry of Labor did not investigate alleged violations of occupational health and safety laws and other labor rights problems relating to the approximately 3,000 lobster divers, many from the Misquito indigenous and other ethnic minority groups in Gracias a Dios Department. Since 2003 approximately 365 lobster divers have died and at least 2,000 became disabled due to the dangerous nature of their work.

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. There were instances in which elements of security forces acted independently of civilian control.

There were serious human rights 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, violence against and sexual abuse of children, trafficking in persons, and violence against persons based on their suspected or known sexual orientation.

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.

According to official statistics, there were more than 309 killings involving police during the year. This figure does not include the 73 civilians security forces killed in May during operations to arrest an alleged drug lord and gain control of a criminally controlled area.

Reliable sources indicated that many killings by police were unreported, with police meting out the justice they see as unavailable through the judicial system. In most shooting incidents, police alleged that the victims were carrying firearms and opened fire on them. In many cases, however, eyewitness testimony contradicted the police accounts. In other cases allegations of “police murder” were suspect, because well-armed gangs trafficking in weapons and narcotics and running lottery scams controlled many inner-city communities and were often better equipped than the police force.

Violent crime remained rampant, and on many occasions the Jamaica Constabulary Force (JCF) employed lethal force in apprehending criminal suspects. The JCF’s Bureau of Special Investigations (BSI) investigated all police killings, and when appropriate, forwarded some to the Director of Public Prosecutions (DPP) for prosecution. The BSI completed 308 investigations during the year and sent 291 to the DPP for further consideration. However, it takes many years to bring police officers to trial for unlawful killings. Although there was progress during the year in bringing some cases to trial, there were no convictions, and no police officer accused of human rights violations has been convicted since 2006. In August the Government created an Independent Commission of Investigations (INDECOM), with the power to take over and direct BSI investigations.

The BSI investigated and the DPP brought charges against a constable in connection with the April 9 killing of 17-year-old Shanna-Kaye Clarke. The constable reportedly was involved in a relationship with Clarke. The constable identified another suspect in connection with the incident, but subsequent investigations led to the constable being arrested and charged.

In May security forces entered West Kingston, after gunmen loyal to former Tivoli Gardens don Christopher “Dudus” Coke set fire to police stations and barricaded themselves inside the community. Seventy-three civilians and three security force members were killed. Preliminary forensics reports suggested that some individuals were shot execution-style. An official report authored by the Public Defender’s Office with the support of international donors is scheduled to be released in 2011.

In June security forces shot and killed Keith Clarke, businessman and brother of former government minister Claude Clarke, inside his St. Andrew home during the search for the fugitive Coke. A report documented that Clarke sustained 20 gunshot wounds. As of October the police commissioner declared the investigation partially completed and pending forensic and ballistic reports.

On July 29, an amateur video clip carried on a local newscast showed policemen beating Ian Lloyd on the ground and shooting him in full view of a crowd. The video contradicted reports by the police that Lloyd was killed after he attacked police. Authorities charged one policeman with murder, and his case remained before the court.

On September 23, police shot and killed Leroy Berry, and his death sparked angry protests. Berry and his wife were involved in an altercation with police in 2006, an incident that was caught on camera and caused outrage because of how Berry was treated. The September killing was controversial because a vehicle carrying Transport Authority staff and police rammed a car carrying Berry, his wife, and two children in an effort to stop the car. During an ensuing argument Berry was reportedly shot in the stomach.

On November 4, police shot and killed Frederick "Mickey" Hill, a prominent businessman in Negril, where numerous eyewitnesses observed the incident. Hill was confronted by seven or eight police officers wearing masks or with "kerchiefs" tied over their faces. They demanded that he tell them what was in a bag that he carried. When Hill was in the process of showing them the contents of the bag (cornmeal and condensed milk), the police shot him twice at point-blank range. On December 23, an investigation was completed and the results forwarded to the DPP, with a recommendation to charge the security officers. At year's end the DPP had yet to evaluate the evidence collected or make a determination as to whether charges should be filed.

On November 16, security forces shot and killed Pastor Trevor Edwards when he was returning home from work by taxi. Police chased and fired through the rear of the moving taxi, which was carrying unarmed passengers. A bullet hit Edwards in the back, puncturing his heart. According to Edwards' brother, the police stated the taxi was stolen.

The case of the policeman charged with the murder of Paul Brown, who was driving a bus in January 2009 when he allegedly hit a policeman's personal car, remained before the Home Circuit Court with trial scheduled for February 5, 2011.

The BSI completed the investigation of the January 2009 police killing of Anthony Nelson, a security guard, at Nelson's workplace and referred the file to the DPP in September 2009. By year's end the DPP had not reached a decision on whether charges should be filed.

The BSI completed its investigation into the April 2009 killing of 16-year-old Hussein McCormack and referred the file to the DPP in April. The DPP had not reached a decision by year's end.

The BSI continued its investigation into the May 2009 police killing of Ramon Hopkins. It completed its investigation into the May 2009 police killing of Dane Daley and referred the case to the DPP on February 25. The DPP had not reached a determination on the matter by year's end.

In December 2009 police shot and killed entertainer Robert Hill at his Kingston home in what police accounts called a "shootout." The DPP ruled that the matter should be referred to Kingston and St. Andrew Coroner's Court. An inquest was set to begin on January 25, 2011.

In February 2009 the DPP brought murder charges against Christopher Thompson, the police officer accused of murdering Randeem Hall in 2008. The Home Circuit Court set the case for trial in November but postponed it until January 4, 2011.

The Home Circuit Court postponed the trial of the police officers charged in the 2008 murder of Carlton Grant, the 17-year-old son of dancehall artist Spragga Benz, until February 21, 2011.

The BSI completed the investigation into the killing of Jehvanie Robinson in 2008 and sent the case to the DPP in April 2009, but the DPP had not made a ruling on the matter by year's end. The BSI completed the investigation of the 2008 death of Fabian Wray and forwarded the file to the DPP in December 2009, but there had not been a ruling on the matter by year's end. The 2008 death of Randal Richards was under investigation by the BSI at year's end.

The BSI completed its investigation into the 2007 police shooting deaths of Dexter Hyatt and Tian Wolfe and submitted the case to the DPP for a decision on whether to bring charges. The DPP had not made a ruling by year's end.

In December 2007 the DPP charged four policemen, Noel Bryan, Phillip Dunstan, Omar Miller, and Clayton Fearon, with murder in the 2007 death of Andre Thomas. The Home Circuit Court set a trial date for March 14, 2011.

An inquest into the 2005 shooting death of Jeff Smellie started in November 2007 and was concluded on July 5 with a verdict of "death caused by accident." The matter involving the 2005 police killings of Nicholas Weir and Donald Allen was referred to Spanish Town Coroner's Court, which commenced hearings on August 23 and was scheduled to continue taking evidence on January 24, 2011.

In June 2009 authorities arrested Loui Lynch, Paul Edwards, and Victor Barrett, policemen involved in the 2004 abduction and killing of Kemar Walters and Oliver Duncan, and charged them with murder. The Home Circuit Court set a trial date of February 14, 2011.

In May 2009 the DPP, in response to a Privy Council ruling, decided not to prosecute police officer Rohan Allen a second time for the 2000 killing of 12-year-old Janice Allen. In April the Supreme Court upheld the DPP's decision, deciding there was no need for judicial review.

Mob killings continued to be a problem and often went unpunished. On April 13, three men armed with guns and knives robbed several persons in the community of St. Catherine. An alarm went off, and the residents reportedly attacked the men, killing one, stabbing and holding another, while the third one escaped.

On July 14, a mob killed Omar Levy, who was wanted by the Christiana police in a case of shooting with intent. Police reports stated that officers saw Levy in the area, but he managed to elude them. Residents went in search of him and inflicted vigilante "justice." While trying to rescue Levy, a police officer was injured. Police took Levy to the hospital, where he succumbed to his injuries.

On August 20, a mob in Kingston killed an unidentified man. According to the police, the man was involved in a dispute with another person, whom he had wounded. The mob later stabbed this man to death.

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

During the security operations that took place in West Kingston's Tivoli Gardens, teenagers Dale Anthony Davis, Dwayne Edwards, and Andre Smith vanished and their whereabouts remained unknown. On October 8, the BSI, which was investigating the matter, stated that checks with the National Intelligence Bureau, the Inspectorate Branch, and a review of the list of detainees held at the National Arena in Kingston turned up no trace of the three. Andre Smith's body was later found in a marked grave in May Pen cemetery.

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.

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. However, official complaints and investigations were infrequent.

Prison and Detention Center Conditions.—Prison conditions remained poor, primarily due to overcrowding and poor sanitation. Tower Street Adult Correctional Center, located in downtown Kingston, housed approximately 1,600 inmates, nearly double the capacity for which the facility was built. Men and women were incarcerated in separate facilities under similar conditions. Female prisoners were generally incarcerated under better conditions than their male counterparts. Cells in some facilities had little natural light, inadequate artificial light, and poor ventilation.

On February 8, a prison riot broke out at the Horizon Remand Center, where as many as 40 inmates suffered injuries when 128 detainees in three security areas managed to remove the locks from their cells before gathering in a corridor. The riot began as inmates protested poor living conditions at the facility, including the lack of water caused by a shortage that affected several parishes, and a failure to provide breakfast by noon. At St. Andrew Juvenile Remand Center, notorious for repression and corporal punishment, boys were kept indoors at all times, never being permitted activity in the open air.

Hunt's Bay Lockup held prisoners in a cage-like structure open to the rain and sun and the gazes of passersby. The women's prison, Fort Augusta, with about 200 inmates, had no indoor water supply. Inmates had to obtain water from a central source in containers they provided themselves. Inmates who did not own a container could not bathe.

Prison food was poor, and wardens were observed serving themselves generously with whatever meat was available, leaving only leftover gravy for the inmates. Mattresses were not provided; inmates slept on the concrete floors. Those with access to funds and outside contacts were permitted to purchase thin foam mattresses that often became infested with bedbugs. Ringworm was a common malady.

Prison medical care was also poor, primarily a result of having only three full-time doctors, one full-time nurse, and one psychiatrist to cover 12 facilities (eight adult, four juvenile) with almost 5,000 inmates across the island. Prisoners in need of dentures and unable to eat the prison food encountered difficulties in gaining access to a dentist.

In May 2009 seven girls perished in a fire at the Armadale Juvenile Correctional Facility, and many more were injured. The results of a three-month investigation were leaked to the media in March. According to investigators, a police officer, responding to a disturbance, discharged a tear gas canister into the dormitory. The key to the main door could not be located during the fire, and the surviving girls were rescued through barred dormitory windows. The staff testified during the investigation that there were no fire extinguishers, fire drills, or emergency training.

Although the law prohibits the incarceration of children in adult prisons in most cases, some juveniles as young as 13 years old were held in adult jails because there were no juvenile facilities with adequate security. Armadale remained closed, and the 50 female juveniles previously held there were moved to the Horizon maximum-security remand center, where the island's most violent male offenders are held, and to Fort Augusta Women's Prison. Juveniles and adults were housed together in these facilities. In one case a 16-year-old was held in detention with adult arrestees for more than two months while the judicial process was underway.

Nonviolent youth offenders were under the jurisdiction of the social services agency and were generally sent to unsecured halfway houses (called "places of safety" or "juvenile remand centers") after they were removed from their homes. However, because the law does not clearly define an "uncontrollable child," a large number of minors were classified as uncontrollable and detained for long periods of time without regard to the nature of their offenses.

In October 2009 the Office of the Children's Advocate investigated reports of children being held in police lock-ups and made a number of recommendations to Parliament, including a request that the Child Care and Protection Act of 2004 be revised to limit to 90 days the amount of time children spent in lock-up, thereby preventing extended detention. However, Parliament did not address the issue.

Reliable reports indicated that there was no clear separation of detainees according to the different stages of criminal procedure. Persons detained without charges, remandees, and convicted persons were held together in the same facility, and often shared cells.

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. Prisoners were able to make complaints to the Public Defender's Office without censorship, and representatives generally were able to enter the detention centers and interview prisoners without problems. Although access was denied after a riot at the Horizon Remand Center, the prime minister subsequently ordered the center to restore access.

The Government invited a UN special rapporteur to conduct a fact-finding mission in February regarding detention facilities, where he was promised access to senior state officials, representatives of civil society, and detainees. He reported, however, that officers at the Hunt's Bay Police Station were "very obstructive, uncooperative, aggressive, and openly threatened his team during their visit." After completion, he presented his preliminary findings and recommendations to the Government, including: reduce police custody to 48 hours and ensure remandees are held in proper remand centers and not in police lock-ups, introduce accessible complaint mechanisms within places of detention, ensure investigations of all allegations of abuse or excessive force, ensure that justices of the peace and magistrates conduct regular visits to all police lock-ups, remove all children from adult detention facilities, and abolish capital punishment. By year's end, however, the Government had not taken any action on his report.

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. Although they can legally hold persons for 24 to 48 hours before charging or releasing them, police sometimes reportedly held individuals for as long as five weeks.

During the period from May 23 to July 22, authorities detained and then released more than 4,000 persons under a declared state of emergency, initiated to allow security forces to enter West Kingston and regain control after gunmen barricaded themselves inside the community. Most of the individuals detained were young men who were fingerprinted, photographed, and interviewed by detectives and were later released without being charged for any offense.

Role of the Police and Security Apparatus.—The JCF has primary responsibility for internal security and is assisted by the Island Special Constabulary Force. The Jamaica Defence Force (JDF) is charged with national defense, maritime narcotics interdiction, and JCF support. The JDF routinely conducts joint patrols and check-

points in conjunction with the JCF. As the minister of defense, and outside of a state of emergency, the prime minister is the approval authority for all JDF operations in support of the JCF. The Ministry of National Security exercises the prime minister's authority for oversight of the JCF and JDF.

The JCF is headed by a commissioner who delegates authority through the ranks to constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs.

The JCF conducted administrative and criminal investigations into all incidents involving fatal shootings by police. The JCF's BSI addressed police shootings, but no officer was found criminally liable during the year. The BSI, unable to keep up with its caseload, had a backlog of approximately 932 cases with 37 full-time and nine part-time investigating officers. In August INDECOM replaced the civilian Police Public Complaints Authority; the new body has the power to take over and direct BSI 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 the Community Safety and Security Branch, during the year the JCF conducted targeted training of 309 officers in 38 communities, trained community safety officers, and assigned JCF personnel to targeted schools as resource officers to stem school violence. These officers also served as liaisons between the students, faculty, parents, and police. The Government bolstered these efforts through public education and by nominating deputy divisional commanders with responsibility to introduce community policing to all the communities within their division.

Arrest Procedures and Treatment While in 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. Police often used the warrant as the first step in an investigation to search for evidence. The law requires detained suspects to be charged or released within 24 to 48 hours of arrest, unless a justice of the peace or a resident magistrate grants a special waiver.

If a detainee requests access to counsel, the law requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial) under the Legal Aid Program; however, authorities continued to wait until after detainees had been identified in a lineup before contacting duty counsel for them. There was a functioning bail system, 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 sometimes remanded suspects for psychiatric evaluation, some for as long as three years when their cases were "lost in the 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, especially in the busy Kingston/St. Andrew corporate area.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system relied entirely on the Ministry of Justice for all resources.

Trials in many cases were delayed for years, and other cases were dismissed because files could not be located or had been destroyed. Some trials suffered as a result of antiquated rules of evidence as well as from lack of equipment for collecting and storing evidence. For example, drug evidence collected in an arrest had to be stored in its entirety; samples or photographs were not acceptable. Storage facilities were inadequate and understaffed, and evidence went missing, rotted in the warehouse, or could not be located when needed.

The resident magistrate's courts, which handle more than 90 percent of the cases in the court system, continued operation of a night court in an effort to reduce the backlog of cases. The Supreme Court used mediation through the Dispute Resolution Foundation as an alternative to traditional trials. This 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 has ever been killed.

Trial Procedures.—Most trials are public and adjudicated by a lone judge. More serious criminal offenses are tried with juries in circuit court at the Supreme Court level. There was a persistent problem seating jurors for cases, which contributed to

the extensive judicial backlog. Citizens were reluctant to serve as jurors for fear of retribution.

The constitution provides that defendants are presumed innocent and have the right to counsel and 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 and in the case of offenses in which the defendant is not liable to incarceration. The Office of the Public Defender (OPD) may bring cases on behalf of persons who have had their constitutional rights violated but the OPD cannot appear in court on their behalf. Although the OPD contracted with private attorneys to represent indigent clients, funds were insufficient to meet 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 Government is required to undertake pretrial negotiations or mediation in an attempt to settle out of court, but the Government often did not do so. When there were settlements, whether in or out of court, the Government often lacked the funds to pay, resulting in a backlog of awards.

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. Newspapers were independent and free of government control. Broadcast media were largely state owned but open to pluralistic points of view.

Some local media professionals expressed concern that the country's libel laws limited freedom of expression. Specifically, news outlets reported the need to self-censor investigative reports because of the potential for courts to award high damages in cases of defamation. In a speech on May 17, Prime Minister Golding expressed the need to reform the libel laws to enable greater transparency and accountability in government.

The Press Association of Jamaica (PAJ) continued to advocate for changes in the country's "antiquated" libel and defamation laws. The PAJ also advocated repealing the Official Secrets Act, "which runs counter to the Access to Information Act," requested that whistle-blower legislation be enacted to help the media expose corruption, and called for strict separation between management and editorial departments since a free press "requires the absence of undue influence of media owners on newsroom output."

Some journalists also stated that they censored their political coverage based on fear of violent reprisals, and the UN Human Rights Council's 2010 Freedom in the World Report stated that journalists sometimes faced intimidation in the run-up to elections.

In July the police attempted to confiscate the camera of a CVM TV correspondent at the scene of an alleged police killing in St. Ann. Authorities detained the journalist and later released him. Later that month, in a meeting with representatives from the PAJ and the Media Association Jamaica Limited, Commissioner of Police Owen Ellington pledged to publish guidelines governing conduct between members of the JCF and the media at crime scenes. However, no guidelines had been published by year's end. Ellington also said the JCF would take action against officers who prevented journalists from carrying out legitimate duties at crime scenes.

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 International Telecommunication Union, there were 58 Internet users per 100 inhabitants in 2009.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

With respect to cultural events, the Jamaica Broadcasting Commission (JBC) sought to regulate and limit the dissemination of certain popular music deemed inconsistent with public morality. Since 2009 the JBC banned certain lyrics deemed

inappropriate to broadcast, including dancehall songs referring to the simulation of aggressive or violent sex, and employed editing methods to expunge lyrics thought unfit for broadcast. The commission stated that its directive was aimed at “all types of musical broadcast output, including soca music and carnival music.”

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.—For a complete description of religious freedom, please see the 2010 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 Government has established a system for processing and 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 was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, should such cases arise.

Following the January earthquake in Haiti, the Government stated that it would provide temporary accommodations, health inspections, and food for Haitians fleeing the earthquake until they could safely return home. Between March and April, the Government provided temporary shelter and medical treatment for 93 Haitians who landed in three vessels. The Government stated that due to financial constraints, the Haitians would be repatriated. The JDF Coast Guard returned all 93, plus an additional 24 who were being held on immigration violations, to Haiti by the end of April.

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 to intimidate supporters of the opposing political party. These factors impeded the free exercise of their right to vote. According to Amnesty International, at least nine persons died as a result of election-related violence in the 2007 campaign period.

In the 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 a constitutional provision that bars from office those who have “sworn allegiance to a foreign power.” Although three winning JLP candidates subsequently renounced their foreign citizenship, the Supreme Court ruled that if the candidate had held dual citizenship at the time of nomination for office, he or she was ineligible to hold a seat in Parliament. In three of the four cases, the Supreme Court ordered by-elections, each of which was won by the incumbent JLP parliamentarian after renouncing dual nationality. On June 2, the parliamentary seat held by Shahine Robinson was vacated after she was alleged to be a foreign citizen when nominated for the 2007 general election. On November 26, the prime minister called for a by-election for the empty seat, and Robinson regained her seat on December 20.

In August Betty Ann Blaine, along with 10 other founding members, launched a new political party, the New National Coalition. It announced plans to contest all 60 constituencies in the next election.

There were eight women elected to the 60-seat House of Representatives and three women appointed to the 21-seat Senate. Two of the 16 cabinet ministers were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the Government did not implement the law effectively. The contractor general stated in his 2009 annual report that 30 formal criminal offenses were referred to the DPP, with no criminal charge, arrest, or prosecution arising out of any of the matters.

The JCF Anti-Corruption Branch, headed by a British police officer hired as assistant commissioner of police, has responsibility for addressing corruption in the force, and some recent improvements were noted. However, suspicions of corruption and impunity within the force remained, despite a notable increase in the number of arrests of officers for corruption.

In February JCF officers seized a large load of weapons in Kingston that were traced back to the police armory. Authorities arrested 11 suspects, including a police sergeant, in connection with the seizure. A full investigation by the Anti-Corruption Branch of the JCF ensued. In October three civilians charged in the case pleaded guilty, and a court sentenced them to prison terms ranging from 10 to 13 years. The sergeant was charged with illegal possession of 18 firearms and 9,540 rounds of ammunition and was awaiting trial in Gun Court at year's end.

In August the JCF announced that 149 rogue police officers had been removed in the first seven months of the year; by year's end 188 police officers had been dismissed. Authorities arrested 21 police personnel and charged them with breaches of the Corruption Prevention Act. Police personnel are required to sign five-year contracts with renewal contingent upon good conduct. They are barred from re-enlisting whenever there is information that they are not efficient or effective in carrying out their duty with integrity.

Also in August authorities dismissed Lenice Barnett, executive director of the Student Loan Bureau (SLB), and forced the resignation of its Board of Directors, following an audit conducted by the Public Accountability Inspectorate of the Ministry of Finance. The ministry stated that Barnett was augmenting her pay through receipt of a gratuity paid on a monthly basis, implementing an unapproved monetary incentive scheme, and providing access to loans without SLB management's knowledge.

In October Prime Minister Golding announced that a commission of inquiry would be formed to probe the Government's handling of an extradition request for alleged drug lord Christopher "Dudus" Coke. The commission was to look into charges that the Government hired a foreign lobbying firm, possibly to derail the request. The prime minister had approved the extradition request in May and stated that when the lobbying firm was hired, he was not acting as the Government leader but only in his capacity as head of the JLP.

In October 2008 authorities arrested Kern Spencer, a former junior minister, and charged him with fraud, corruption, and money laundering in a scheme to distribute and install energy efficient light bulbs donated by Cuba. His trial began on June 30, and the matter was still before the Magistrate Court at year's end.

In December 2009 a court found former police superintendent Harry Daley guilty of corruption, and a judge sentenced him to 18 months of hard labor. However, at year's end he was on bail pending an appeal hearing.

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 various other ministries are responsible for their own investigations.

Despite provisions in the Access to Information Act to promote transparency, media accounts indicated that access to information was sometimes categorically denied. The act contains no sanctions or penalties to discourage lack of response to applications.

Section 5. 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 Public Defender's Office provides services 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.

The Government was generally supportive of international human rights concerns and humanitarian nongovernmental organizations (NGOs). The Government invited a UN special rapporteur to conduct a fact-finding mission in February regarding detention facilities, where he had access to senior state officials, representatives of civil society, and detainees (see section 1.c.).

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

The law prohibits discrimination based on race, gender, place of origin, political opinion, 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 is illegal and carries a maximum penalty of 25 years' imprisonment. The 2009 Sexual Offenses Act criminalizes spousal rape, but only in certain circumstances. Human rights groups continued to advocate for a more comprehensive law. While that law replaced an existing patchwork of laws relating to sexual assault, rape, and incest, the authorities had yet to implement many of its provisions. The number of rapes victims reported declined slightly to 668, compared with 695 in 2009. NGOs believed the actual numbers were much higher, but no other statistics were available. The JCF Rape Investigative and Juvenile Unit, which was headed by a female deputy superintendent, handled sex crimes.

Social and cultural norms 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 \$114) and six months' imprisonment. Police were generally reluctant to become involved in domestic issues, which led to cases not being pursued vigorously when reported. The Bureau of Women's Affairs (BWA) operated crisis hotlines and managed a public education campaign to raise the profile of domestic violence, while the NGO Woman Inc. operated a shelter that received some government funds.

Sex tourism continued to be a problem.

There is no legislation that addresses sexual harassment, and the BWA reported that it had become a "disturbing problem." There were anecdotal reports of sexual harassment of women by the police as well as in the workplace, but few statistics were available. The BWA and NGOs such as Woman Inc. and Women's Media Watch believed that women often did not report such incidents because there was no legal remedy.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery were widely available. However, essential obstetric and postpartum care was often lacking. The UN Population Fund reported a 2008 maternal mortality ratio of 89 deaths per 100,000 live births and a modern contraceptive prevalence rate of 66 percent. Missionaries of the Poor, a Kingston-based NGO, provided counseling and medical services to expectant mothers. Women and men were given equal access to diagnostic services and treatment for sexually transmitted diseases, including HIV.

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. According to the World Economic Forum's 2010 Global Gender Gap Report, women earned 36 percent less than men for comparable work. The BWA, 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, which focused on the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women.

Children.—Every person born in the country after August 5, 1962, is entitled to citizenship. Persons born or adopted outside the country to one or more Jamaican parents can claim citizenship, and those married to Jamaican spouses may also claim citizenship. There is universal birth registration, either in the hospital at the time of birth or at a local registrar's office if the child is not born in a hospital.

There was no societal pattern of abuse of children; however, child abuse, especially sexual abuse, was a substantial problem. The Office of Children's Registry (OCR) receives, records, and stores data relating to the mistreatment and abuse of children. The law requires anyone who knows of or suspects a child is being abused

to make a report to the OCR, with a penalty of up to J\$500,000 (\$5,800) for failure to do so. The OCR received approximately 6,330 reports of child abuse, compared with 6,778 cases reported in 2009.

Under the Child Care and Protection Act, the Child Development Authority (CDA) in the Ministry of Health is responsible for implementation of the Government's programs to prevent child abuse. According to the CDA, sexual assault was the most common reason for children to be taken to hospitals, with children under age 10 accounting for 17 percent of all sexual assault cases and children between the ages of 10 and 19 accounting for 57 percent. In the 2008 Reproductive Health Survey (the most recent one conducted), almost half of young women reported that they had been pressured or forced into sexual intercourse at the time of their first sexual experience. NGOs reported that inner-city gang leaders and sometimes even fathers initiated sex with young girls as a "right." There were 538 cases of carnal abuse reported to the JCF, compared with 578 cases reported in 2009.

The Office of the Children's Advocate (OCA) has broad responsibilities for reviewing laws, policies, practices, and government services affecting children, as well as providing legal services to protect the best interests of children. In February the OCA launched a Web site to provide information on children's rights. The site also includes downloadable forms so that persons can lodge complaints electronically or by fax. The OCA reported it received over 400 complaints during the year, conducted some preliminary investigations, and referred other cases to appropriate government institutions.

Child prostitution and sex tourism were problems, especially in tourist areas. In September authorities uncovered a prostitution ring in Kingston, involving an undisclosed number of minors.

The law prohibits statutory rape, defined as sexual relations with a person less than 16 years old, the minimum age for consensual sex. Sexual relations by an adult with a child between the ages of 12 and 16 are a misdemeanor punishable by not more than seven years in prison; if the victim is under 12, it is a felony punishable by up to life imprisonment. The 2009 Sexual Offences Act included the establishment of a Sex Offenders Registry, which children's rights advocacy groups considered a vast improvement over the old legislation in terms of its ability to protect children.

In September 2009 Parliament enacted the Child Pornography (Prevention) Act, criminalizing the commercial sexual exploitation of children. The law applies to the protection, possession, importation, exportation, and distribution of child pornography and carries a maximum penalty of 20 years' imprisonment and a fine of J\$500,000 (\$5,800).

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was a small practicing Jewish congregation in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—There are 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.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities (JCPD), which had a budget of J\$48 million (\$560,000) in 2009-10. The JCPD distributes Economic Empowerment Grants of up to J\$50,000 (\$580) to persons with disabilities to help them embark on small entrepreneurial ventures such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. These economic empowerment grants are significantly larger than the maximum sum of J\$15,000 (\$174) that persons with disabilities occasionally received in the form of rehabilitation grants ostensibly for the same purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

National/Racial/Ethnic Minorities.—Maroons, descendants of slaves who escaped to the mountainous interior in the 17th and 18th centuries, considered themselves a group apart and maintained some African traditions distinct from those of the larger society. They continued to defend their rights and legal status, which stem from peace treaties signed with the British in 1739-40. In Maroon communities such

as Accompong and Nanny Town, voters elect a colonel for a five-year term, who governs the community assisted by an appointed 32-member council. Maroons also vote in general elections, and their leaders worked with Parliament to ensure that their communities' needs are considered when making important decisions. Maroons are exempt from national taxes and land is held in common; however, there are major infrastructural needs that the Maroons believe the central government neglects. Formal education was not available in Maroon communities beyond the junior high school level, and unemployment rates were high. Many young Maroons leave the region for employment elsewhere; this migration and the influx of popular island-wide culture threatened the communities' culture.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—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 gay and lesbian patients by hospital and prison staff, and targeted shootings of such persons. Police often did not investigate such incidents. During the year, J-FLAG received 43 reports of sexually motivated harassment or abuse, which included 26 cases of attempted or actual assault, including three murders and three cases of rape. This violence created a climate of fear that prompted many gay persons to emigrate, while the gross indecency laws left those who remained vulnerable to extortion from neighbors who threatened to report them to the police unless they were paid off.

In September six men brutally gang-raped a lesbian woman and cut her genitals after the assault ended. These men had previously taunted their victim, and this attack typified a phenomenon known as “corrective rape,” whereby rapists justify their actions under the rationale that forcing their victim into sex will somehow convert the injured party to heterosexuality. Three days later a taxi driver raped another lesbian woman in an unrelated attack staged in the same northern parish of St. Ann's. J-FLAG protested both rapes, stating that the women were attacked because of their sexual orientation. The organization believed that, as with heterosexual women, many homosexual rape victims were hesitant to report their abuse out of fear, shame, or for any number of personal reasons, suggesting that the actual incidence of sexual violence perpetrated against such persons could be notably higher.

J-FLAG members also suffered attacks on their property and home intrusions, as people demanded to know the number of persons and beds in a home. Victims reported numerous cases of threats and intimidation to J-FLAG. In many instances family members expelled their own relatives from homes because of sexual orientation. In other cases neighbors drove gay and lesbian persons out of their communities, slashing tires and hurling insults. Many gays and lesbians faced death and arson threats, with some threats also directed at J-FLAG offices. As a result of such threats, J-FLAG elected not to publicize its location, and one of its officials reported feeling unsafe having meetings with clients at the organization's office.

The trial of six suspects arrested for the 2005 robbery and murder of prominent gay rights advocate Lenford “Steve” Harvey, initially begun and then postponed in 2007, was scheduled to recommence in early 2011.

Male inmates deemed by prison wardens to be gay 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 gay inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Gay men were hesitant to report incidents against them because of fear for their physical well-being. Human rights NGOs and government entities agreed that brutality against such persons, primarily by private citizens, was widespread in the community.

Other Societal Violence or Discrimination.—No laws protect persons with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. The International Labor Organization (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. Health-care facilities were prepared to handle patients with HIV/AIDS, but health-care workers often neglected such patients. The Ministry of Labor, in conjunction with the ILO and the Ministry of Health, conducted workplace education programs

on HIV/AIDS issues. Laws banning homosexual acts and societal attitudes prevented distribution of condoms in prisons and similar institutions.

Section 7. 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. It was not uncommon for private-sector employers to lay off union workers and rehire them as contractors, a practice unions did not oppose so long as labor and management agreed.

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 categories of “essential services” must first take disputes to the Ministry of Labor before they can legally strike. The ILO has repeatedly criticized the Government for its broad definition of these 10 categories. Nurses and other public sector workers—although taking their disputes to the Ministry of Labor as required—circumvented the ministry’s permission to strike by holding “sick outs” during the year.

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 estimated 20 to 25 percent of the work force was covered by a collective bargaining agreement. An independent Industrial Disputes Tribunal (IDT) hears cases when management and labor fail to reach agreement. Cases not resolved by the IDT pass to the civil courts. The IDT received 23 cases during the year, with most cases decided within 90 days. Some took longer to resolve due to the complexity of the dispute or delays requested by involved parties.

Collective bargaining is denied to a bargaining unit if no single union represents at least 40 percent of the workers in the unit or when the union seeking recognition does not obtain support from 50 percent of the workers (whether or not they are affiliated with the union). The ILO Committee of Experts asked the Government to change this threshold, but the Government expressed no intention to change the existing law.

The law allows for union activity and prohibits antiunion discrimination. Employers generally respected the law in practice. However, some labor unions reported that private-sector workers were increasingly fearful of management retaliation against unionization as the job market contracted in the past year. While union organizers and members were entitled to full legal protections that were enforced effectively, both management and workers were often unaware of their rights and obligations.

Domestic labor laws apply equally to the country’s “free zones” (export processing zones), but there were no unionized companies in any of these three publicly owned zones. Union organizers suspected that foreign owners in the zones resisted organization efforts and that many free-zone employees chose not to unionize for fear of losing their jobs. 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 country has ratified relevant ILO conventions, which carries a legal obligation to apply their provisions. There are otherwise no specific laws prohibiting forced or compulsory labor. There were reports of girls in rural areas recruited for domestic labor and then forced into servitude. Some cases of coerced employment of suspected trafficking victims were reported and were being treated in the court system. Also see the Department of State’s annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and stipulates that every citizen has a duty to report child abuse. The minimum age for employment is 15 years, and the law prohibits the employment of children under age 13 in any type of work. Children between 13 and 15 years are permitted to engage in “light work,” as defined by the Ministry of Labor, which will not disrupt their education or be harmful to their health. The ministry’s Child Labor Unit was responsible for monitoring and controlling child labor.

The Ministry of Labor assisted the Office of Health and Safety in child labor enforcement efforts. The CDA is responsible for carrying out investigations of abuse. According to CDA officials, resources to investigate exploitive child labor were insufficient. Children under the age of 12 peddled goods and services, begged on city streets, and worked on plantations, farms, and construction sites, as well as in gar-

dens, shops, and markets. In May the CDA reported that there were approximately 6,000 street and working children in the country.

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\$4,070 (approximately \$47) per week for all workers, although there were some reports of domestic workers receiving less. The minimum wage did not provide a decent standard of living for a worker and family, leading most minimum-wage earners to work two or more jobs. However, 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. The law does not prohibit excessive compulsory overtime, and some employees, notably security guards, were regularly required to work 12-hour shifts without overtime compensation.

The Ministry of Labor's Industrial Safety Division (ISD) 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 difficulties in enforcing workplace regulations. The ISD 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 approximately 112 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 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. Security forces reported to civilian authorities; however, there were instances in which elements of these forces acted outside the Government's policies.

The following problems were reported during the year by the country's National Human Rights Commission (CNDH) and other sources: unlawful killings by security forces; kidnappings; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency that engendered impunity within the judicial system; confessions coerced through torture; violence and threats against journalists leading to self-censorship. Societal problems were domestic violence, including killings of women; trafficking in persons; 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 federal government or its state agents did not commit any politically motivated killings; however, security forces, acting both within and outside the line of duty, killed several persons, including minors, during the year.

As the Government brought enforcement pressure against Transnational Criminal Organizations (TCOs), both the TCOs and gangs linked to them battled each other and the Government for control of trafficking routes and markets. Officials reported 15,273 drug-related homicides during the year. The Government continued to deploy as many as 45,000 military troops dedicated to counternarcotics activities to assist civilian law enforcement authorities. In Ciudad Juarez in April, the Government gave the lead in public security to the Federal Police, which deployed 5,000 elements and coordinated 2,800 municipal police and 200 state police.

Killings allegedly involving government security forces included the following:

In January gunmen claiming to be federal police twice attacked a group of Central American migrants who were traveling on a train from Arriaga to Ciudad Ixtotec,

Oaxaca. The attacks left three dead, two women raped, and one minor injured. The migrants reported the incident to the Brothers Along the Road Shelter in Ciudad Ixtepec, Oaxaca, which subsequently requested help from the state's Office of the Attorney General. The investigation reported no progress by year's end.

On March 19, soldiers killed two students at Monterrey Technological Institute. The soldiers reportedly mistook the two students for criminals they were pursuing and shot them in the university library, killing both instantly. Investigations continued but no arrest had been made at year's end.

CNDH alleged in June that the National Defense Secretariat (SEDENA) altered the scene in which Martin and Brayan Almanza Salazar, ages five and nine, respectively, were shot and killed on April 3, to create the impression that the shots occurred during a firefight with a criminal gang. CNDH concluded that the children had been killed by direct fire from army troops on the road from Nuevo Laredo to Reynosa, Tamaulipas; however, military findings concluded that the children had been killed by shrapnel from a grenade thrown by members of organized criminal organizations. The incident remained under investigation at year's end.

On August 22, soldiers on a highway in Guerrero shot and killed U.S. citizen Joseph Proctor after he failed to stop at a military checkpoint. The soldiers involved were arrested and awaiting trial by military court.

On September 5, a military convoy fired upon a vehicle that allegedly failed to stop at a checkpoint on a major thoroughfare leading into Monterrey. A family of seven was riding in the vehicle, and the shooting resulted in the deaths of 15 year-old Alejandro Gabriel de Leon Castellanos and his father Vicente de Leon; five other family members sustained injuries. SEDENA published the names of four soldiers who had been arrested for the incident and who at year's end were awaiting trial by military court for charges of violence resulting in homicide.

There were no developments in the following cases from 2009:

The investigation of the January migrant shooting incident involving two federal police officers and the deaths of three civilians.

The investigation of the February abduction, torture, and killing of the president and secretary of the Organization for the Future of the Mixtec People (OFPM) in Ayutla de los Libres, Guerrero.

The case of 12 members of the army's First Regiment of the Motorized Cavalry, Eighth Military Zone indicted for the killings of three civilians.

The case of an army soldier arrested in connection with the shooting of Naua Bonfillo Rubio, a civilian killed during a bus inspection at a military checkpoint.

The military prosecutor general charged one soldier with homicide in the 2008 case from the 12th Infantry Battalion in Michoacan; the soldier reportedly opened fire at a military checkpoint on a pick-up truck, killing minor Victor Alfonso de la Paz Ortega and injuring Juan Carlos Penaloza Garcia. According to SEDENA the soldier was subsequently released, and the military investigation had concluded.

There were no developments in the following 2008 cases of killings by security forces: the March killing of four persons in Sinaloa, the June killing of three civilians in Chihuahua, and the July killing of a teenager in Aguascalientes.

A number of killings during the year appeared to be politically motivated. Prior to mid-term elections in July, armed men shot and killed Tamaulipas gubernatorial candidate Rodolfo Torre Cantu during a campaign event. Unidentified perpetrators killed 14 mayors of small towns in states along the northern border, allegedly for failing to cooperate with organized crime. In August the bodies of 72 migrants, 58 men, and 14 women from Central and South America were discovered in the state of Tamaulipas. The migrants were kidnapped and shot by the drug cartels.

The National Council for Private Security stated in July that of approximately 8,000 private security firms active in the country, only 659 were registered and regulated by federal authorities. This large presence of unregulated security companies led to concerns about illegal use of weapons as well as the emergence of vigilantes, exemplified by a September incident in which residents of Asencion, Chihuahua, beat and stoned two suspected kidnappers to death and forced the resignation of the town's entire police force, which they claimed was corrupt.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances at the federal level; however, there were multiple reports of forced disappearances by the army and police. Most occurred in the course of security operations. In several cases of reported disappearances, security forces had detained the missing persons incommunicado for several days.

In February soldiers in Chilpancingo allegedly beat and took Guerrero Raul Evangelista Alonso from his home. Several days later in the same city, Roberto Gonzalez Mosso was abducted by masked individuals claiming to be from the office of the Deputy Attorney General for Special Organized Crime Investigations (SIEDO).

At year's end neither individual had been seen and information was unavailable on the investigation of the cases.

SEDENA was investigating the case of the disappearance of Isaias Uribe Hernandez and Juan Pablo Alvarado Oliveros, two veterinarians who went missing in April 2009 while driving in Torreon, Coahuila. Family members presented complaints to the Coahuila State Human Rights Commission and state authorities. They alleged that SEDENA officials were responsible for the disappearances. SEDENA stated it had no information that military personnel were involved in the incident but were nevertheless investigating the case.

There were no known developments in the 2008 disappearance of brothers Jose Luis and Carlos Guzman Zuniga in Ciudad Juarez after they were reportedly detained by soldiers.

There were no known developments in the case of ecologist Javier Torres Cruz from Petatlan, Guerrero, who was allegedly detained in 2008 by soldiers from the 19th Battalion and reappeared after 10 days with evidence of physical abuse.

Kidnapping remained a serious problem for persons of all socioeconomic levels. The Government reported a 78.8 percent increase in kidnappings compared with 2008. Express kidnappings, in which a victim is detained for a short period to extract payment, often through forcing the victim to use an ATM card to drain a bank account, remained a problem. Many kidnapping cases continued to go unreported, as families feared repercussions and often negotiated directly with kidnappers. Informed observers believed the number of cases reported to authorities was far less than the actual number of kidnappings. There were reports of police involvement in kidnappings for ransom, primarily at the state and local level.

CNDH estimated that during the year approximately 20,000 migrants were kidnapped as they attempted to transit the country to cross the border into the United States, although the National Migration Institute disputed this claim, noting that they had registered only 222 such cases during the year. Many migrants were reluctant to report such crimes due to fear of being deported.

According to the Oaxaca-based migrant shelter, Hermanos en el Camino, 40 Central American migrants were abducted from a train in December. The initial alarm was raised by several migrants who escaped and reported the event. Both CNDH and the National Migration Institute (INM) continued to investigate the incident at year's end.

There were anecdotal reports that government agents were complicit in kidnappings. Amnesty International reported instances of federal police kidnapping and extorting Central American migrants on freight trains. In November, a former director of the Chihuahua state police and several Chihuahua City municipal policemen were arrested and charged with operating a kidnapping ring.

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.

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. According to the Attorney General's Office (PGR), 12 of the country's 31 states had passed laws to implement the protocol and established consultant and evaluation offices. In addition, the PGR said it had provided training on human rights and torture to its local, state, and federal staff. CNDH made 150 visits to civilian and military prisons and detention centers nationwide. During the year CNDH conducted 133 human rights-related courses for SEDENA, 153 for PGR, and 189 for Secretariat of Public Security (SSP); the courses included sections on torture.

In May the UN Subcommittee on the Prevention of Torture made public the recommendations from its 2009 report on the subcommittee's visit. The Foreign Affairs Secretariat announced in July an action plan to implement the 122 recommendations listed in the report. The ad hoc multiagency working group to implement the recommendations includes representatives from five states, as well as the Secretariat of Government, SEDENA, the Secretariat of the Navy (SEMAR), the National Migration Institute, and the National System for Integral Family Development. The plan seeks to formalize cooperation between federal and state authorities on the training of public officials, the standardization of interrogation procedures, the investigation of torture accusations, the improvement of detainment conditions, the

implementation of judicial system reform, and follow-up on CNDH recommendations.

During the year CNDH received 1,170 complaints of cruel or degrading treatment and 10 torture complaints, compared with 1,105 complaints of cruel or degrading treatment and 33 torture complaints in 2009.

Human rights organizations, including Human Rights Watch (HRW), criticized SEDENA for a lack of transparency in the information it makes available to the public. As of December SEDENA's Web site indicated that seven soldiers and one officer had been sentenced since 2006 for human rights-related crimes committed against civilians. These involved a human rights case in Castanos, Coahuila, in which civilian courts tried and sentenced four soldiers for rape and battery and found four others not guilty. SEDENA further reported that 178 soldiers were under investigation and 42 were in a military trial process for a variety of human rights offenses.

According to information from human rights organization Comision Mexicana para la Defensa y Promocion de los Derechos Humanos (CMDPDH), on May 13, individuals claiming to be from SIEDO detained Juan Jose Jimenez Barahona and five other local police officers from Cardenas, Tabasco, when they were called to the Public Security Command in Huimanguillo, Tabasco. The six officers were subsequently transferred to the Tabasco Attorney General's office, where they were allegedly tortured until they confessed to having links with organized crime groups. All of the officers required medical care following the incident, and Jimenez Barahona required surgery to remove his damaged spleen, as well as parts of his kidney and intestine. At year's end all of the officers were being detained in the Tabasco State Rehabilitation Center.

According to CMDPDH, in March 2009 soldiers from the 28th Infantry Battalion of the Second Military Zone in Baja California allegedly detained and tortured 25 Tijuana municipal police, using electric shocks, beatings, and asphyxiation to force the police to make self-incriminating statements that were used to charge them with crimes. The officers were transported to a state prison in Nayarit in May 2009. A complaint was made to CNDH, and an investigation was opened to determine the soldiers' responsibility for the alleged abuses. Human rights defenders working on the case reported receiving threats in May, causing them to halt work on the case. According to the PGR, investigations into both the abuse of the police officers and the threats to the human rights defenders continued at year's end.

There were no developments in the June 2009 case involving alleged military abuses to members of the communities of Puerto de las Ollas, Las Palancas, and El Jilguero in the state of Guerrero, and the military's investigation reportedly continued at year's end.

There were no developments in the 2006 San Salvador Atenco confrontation between local flower vendors and state and federal police agents in Mexico State. During the conflict two individuals were killed and more than 47 women were taken into custody, many of whom allegedly were raped by police officials. At year's end none of the 2,500 police officers who participated in the Atenco Operation had been convicted of any crime. According to CentroProdh, the case remained stagnant in the Mexico State judicial system.

Prison and Detention Center Conditions.—Prison conditions remained poor. During the year CNDH and nongovernmental organizations (NGOs) reported that corruption, overcrowding, prisoner abuse, alcoholism, and drug addiction were prevalent in most facilities. According to CNDH, health and sanitary conditions were poor, and most prisons did not offer psychiatric care. According to accounts related to consular officers by prisoners, poorly trained, underpaid, and corrupt guards staffed most prisons, and 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. According to CNDH, in July there were 222,297 prisoners in 429 facilities, approximately 26 percent above capacity. Approximately 95 percent of those inmates were men and 14 percent were juveniles. In its 2008-12 Strategic Plan, the SSP described the penitentiary system as "one of the most underdeveloped and abandoned components of public security."

Prison conditions in the country varied greatly across states and facilities. There were reports of dire conditions for prisoners due to overcrowding, posing risks both to the prisoners' physical safety and long-term health. Prisoners at the La Mesa facility in Tijuana, for example, reported: a lack of beds; unsanitary living conditions, including insects, rats, and sewage on cell floors; inadequate food; and lack of potable water. Several prisons in Mexico City were dilapidated, with broken windows and inadequate lighting. CNDH noted that lack of access to adequate healthcare was a significant problem at all facilities.

The SSP reported that during the year 150 inmates died in prison and 407 escaped in 27 separate incidents. The most significant prison riots during the year were caused by skirmishes between prisoners from rival gangs and cartels. For example: in January a fight between rival cartel members led to the death of 23 inmates in a prison in Durango; in March a fight resulted in the death of five inmates in Chihuahua; in August fighting between rival cartels killed 14 inmates and injured 10 in Tamaulipas; and in December a riot over food at the Center for Juvenile Internment in Villahermosa, Tabasco, left one inmate dead and two others injured. In August CNDH noted that conditions for female 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. Pretrial detainees were routinely held together with convicted criminals.

There were cases of prison officials abetting the escape of prisoners, including repeated instances of state prison officials at the rehabilitation center in Gómez Palacio, Durango allowing prisoners to leave the prison to commit crimes and then return to their cells. In July, prisoners from this rehabilitation center were found responsible for three killings in Torreon, Coahuila. In September 82 prisoners escaped from a facility in Reynosa, Tamaulipas. In December the attorney general declared 41 state prison officials responsible for allowing the escape of 152 prisoners from a facility in Nuevo Laredo, Tamaulipas.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. While prisoners and detainees were generally permitted to lodge complaints about human rights violations, access to justice was inconsistent and the results of investigations were generally not made public.

The Government permitted independent monitoring of prison conditions by human rights organizations. The International Committee of the Red Cross, CNDH, and state human rights commissions visited detainees during the year. CNDH reported making 150 prison visits during the year in addition to 309 in conjunction with the National Mechanism to Prevent Torture. Separately, CNDH opened 688 complaint cases based on concerns about human rights violations against prisoners. CNDH also received 19 complaints of "cruel treatment."

Independent monitors are generally limited to making recommendations to authorities to improve prison conditions. Ombudsmen do not serve as legal representatives for prisoners.

The federal government worked to improve prison conditions by implementing its 2008-12 strategic plan focused on security, rehabilitation, and education. During the year the SSP trained new corrections officials, technical staff, and administrative staff. The Government designated approximately 2.3 billion pesos (\$186.2 million) in the fiscal year for prison construction, upgrades, and reform. Much of that funding was dedicated to the construction of new centers and renovation of others that continued at year's end. The SSP also worked towards developing a new prisoner classification system and a new unit to oversee the classification process.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention. However, CNDH reported receiving 1,197 complaints of arbitrary arrests and detentions during the year.

SEDENA indicted two soldiers and one officer for their role in the January 2009 illegal detention of Arnulfo Anaya, Luis Carlos Perez, and Juan Ramon Castillo in Chihuahua. Investigations continued at the end of the reporting period.

Role of the Police and Security Apparatus.—According to CNDH the Government entities with the greatest number of human rights complaints filed against them were SEDENA, the Mexican Institute for Social Security (IMSS), the Federal Police, and the PGR.

Concerning the military CNDH reported that their deployment as domestic law enforcement in the struggle against TCOs led to an increased number of reported human rights abuses. SEMAR, which played an increasingly important domestic security role, saw CNDH human rights complaints more than quadruple from 42 in 2009 to 198 in 2010. Human rights NGOs continued to charge that an opaque military justice system led to impunity, pointing to a failure to openly and promptly investigate, prosecute, and convict members of the military. During the year CNDH received 1,415 complaints against SEDENA and issued 22 recommendations (certifications that a case merits further investigation or sanction) concerning allegations of human rights violations committed by members of the armed forces, compared with 30 in 2009. SEDENA accepted all of the recommendations and affirmed its commitment to collaborating with CNDH on outstanding investigations. CNDH issued six recommendations to SEMAR, compared with one in 2009; SEMAR did not accept two of these recommendations and refused to cooperate with CNDH on cases

related to the December 2009 operation against Arturo Beltran Leyva. CNDH also issued two recommendations to PGR and six to the Federal Police. All of these recommendations were accepted.

SEDENA's general directorate for human rights investigates military personnel for violations of human rights identified by CNDH and is tasked with promoting a culture of respect for human rights within the institution. However, the directorate has no power to ensure allegations are properly tried and prosecuted. Human rights NGOs such as CenterProdh complained about a lack of access to the directorate and maintained it had done little to improve SEDENA's human rights performance.

Despite a persistent lack of human rights-related prosecutions by military tribunals, SEDENA took steps to increase transparency on its handling of human rights cases. In July it inaugurated a human-rights page on its Web site, providing a partial listing of the status of military trials and their compliance with CNDH recommendations. SEDENA also arrested four soldiers and released their names in the media in conjunction with the September 5 killings of 15 year-old Alejandro Gabriel de Leon Castellanos and his father Vicente de Leon Ramirez at a military checkpoint in Nuevo Leon.

In June SEDENA founded the Community Liaison Unit that focuses on regular community outreach and identifying the needs of civilians in areas where SEDENA has engaged in military operations. This unit initiated a program of town hall meetings in regions with military presence to establish a mechanism for outreach and a forum to receive feedback from the local population.

CNDH provided human rights training to 17,656 military personnel during the year. SEDENA reported that during the year 5,136 soldiers participated in 33 courses centered on human rights, 70,016 officials attended 549 conferences, and 129,107 soldiers attended 1,653 lectures. Additionally, SEDENA routinely instructed its personnel to promote respect for human rights during operations.

CNDH received 595 complaints during the year against the federal police, which upon investigation produced a finding of 384 violations in categories that included arbitrary detention (155), noncompliance with arrest warrant procedures (20), and cruel and inhuman treatment (169). More than half the complaints received were resolved by reorienting the complainant to the proper authority (281), suspending an investigation for lack of evidence (34), and reaching an amicable agreement (six). The SSP made amends to victims and adopted procedural measures to comply with its obligations after receiving 573 complaints involving violations pertaining to treatment in prison and nine related to arbitrary detention.

During the year the SSP conducted 50 courses specifically on human rights or with modules pertaining to the topic, training a total of 2,570 personnel. The SSP also worked with the International Organization for Migration and experts from the International Committee of the Red Cross to train federal police officers. Additionally, CNDH trained 7,851 SSP officials. The SSP in collaboration with the National Autonomous University of Mexico also continued to provide human rights training to federal police officers throughout the country. Separately, CNDH provided training to 5,378 PGR personnel.

Arrest Procedures and Treatment While in Detention.—Only duly authorized officials are permitted to apprehend an individual; however, a warrant for arrest is not required if the official has reasonable suspicion about the person's involvement in a crime. Bail exists, but not for persons being held in connection with drug trafficking or other forms of organized crime. 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. According to many NGOs, in practice there were violations of this 48-hour provision. CNDH received 346 complaints involving illegal detention, the 11th most common complaint submitted to the organization.

In organized crime cases (involving three or more persons who organize for the purpose of committing certain crimes), suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. However, recognizing the complex nature of organized crime, the constitution was amended to stipulate that, under a precautionary procedure known as "arraigo," certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. Without levying formal charges persons so detained are not entitled to legal representation and are not eligible to receive credit for time served if convicted. Human rights NGOs considered this form of pretrial detention a violation of due process that facilitated torture, and some groups alleged it was used to obtain forced confessions.

In areas involving military operations against TCOs, SEDENA personnel detained individuals without the involvement of state or federal investigators with the authority to collect evidence for use in subsequent prosecutions. The PGR claimed it

was not always notified in a timely manner of the detentions, which complicated efforts to prosecute and convict arrestees.

In November 2009 the Inter-American Commission on Human Rights (IACHR) held a special session on public safety and human rights in Tijuana and heard the cases of alleged torture and human rights abuses against prisoners held under arraigo by military members or police officers.

In June 2009, 28th Infantry Battalion soldiers detained and allegedly tortured two former ministerial police officers from Baja California. Soldiers allegedly tried to force them to sign self-incriminatory confessions of extortion and crime participation, but they refused. The victims were sent to the II Military Zone installation (28th Infantry Battalion headquarters) by the Baja California state attorney, Rommel Moreno Manjarrez, and local internal affairs officers. The two former police officers presented a complaint to CNDH against II Military Zone commander General Jorge Alonso Garrido for allowing arbitrary detentions and torture; in the absence of a satisfactory response, they presented their case to the IACHR. By year's end the IACHR had not taken action on the case, nor was there information that the case had progressed in civilian or military courts.

In July 2009 soldiers detained without formal charges 20 police officers from Nuevo Leon. The police officers were reportedly tortured and forced to admit they belonged to organized crime.

While detainees usually were allowed prompt access to family members and to counsel, there were complaints that in some cases police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. Human rights NGOs documented, and CNDH issued several recommendations confirming, that the army frequently detained civilians for extended periods before placing them at the disposition of civilian authorities.

According to the King's College World Prison Brief, the prison population has grown by more than 90,000 since 1998. The same study states that 42.1 percent of the prison population has not been tried in court. According to the Mexican Center for Research and Teaching in Economics (CIDE), the average period for prisoners awaiting trial is two years and of those sentenced, 14 percent were declared innocent after having served time in prison, and 85 percent received sentences of less than five years. For many of these, the time spent in prison ultimately exceeded the sentence.

The law provides time limits within which an accused person must be tried. However, due to caseloads that far exceeded the capacity of the federal judicial system and the fact that most state judicial systems still used the written inquisitorial criminal justice system, such time limits often were disregarded. CIDE and HRW reported that more than 40 percent of prisoners have never been convicted of a crime but were held in pretrial detention, often for years, waiting for a trial. Pretrial release on bond is supported by the 2008 reforms, but in jurisdictions that have not implemented the reforms, it was available only in cases in which the charges were not considered a serious crime.

e. Denial of Fair Public Trial.—Although the judiciary is independent, according to CIDE, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level. Civil society organizations reported that corruption, inefficiency, and a lack of transparency continued to be major problems in the judiciary.

International bodies have criticized the Government's failure to limit military jurisdiction over human rights cases. Article 13 of the constitution states that military jurisdiction applies to "crimes against military discipline" but that military tribunals have no jurisdiction over persons who do not belong to the military. However, article 57 of the military code of justice defines crimes against military discipline as "state or common offenses that have been committed by active duty military." In practice civilian courts have generally ceded jurisdiction to the military in cases where military personnel stand accused of human rights violations committed against civilians (see Regional Human Rights Court Decisions below).

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. Traditionally, civilian judicial authorities grant jurisdiction to the military in all cases involving soldiers. NGOs, such as CenterProdh, 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.

Trial Procedures.—The civilian 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. The 2008 constitutional criminal justice reforms mandated implementation of an oral adversarial

system and the presumption of innocence by 2016. The military employs an inquisitorial legal system. SEDENA continued to move toward an oral accusatorial system.

At year's end 10 states had passed legislation related to moving towards an oral, adversarial system and were at various stages of training and implementation, six states were legislating reforms, and seven states sought assistance to consider the reforms. Under the old system, still being used by the federal government, the federal district, and 22 states 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 and only by special motion.

The 2008 constitutional criminal justice reform establishes that defendants enjoy a presumption of innocence; however, such rights are not provided for in jurisdictions that have not finished with reform implementation and are still operating under the inquisitorial system.

The new constitutional reform 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. Because of the nascent implementation stage of the 2008 reforms, not all public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch; there rarely were autonomous public defender services. According to AI and CIDE, 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 due to limited resources. 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.

On June 30, the Supreme Court freed 12 men who had been in prison for more than four years for alleged crimes that occurred in 2006 during violent protests in San Salvador Atenco, Mexico State. The Supreme Court found that the evidence against them was insufficient and that state authorities had used the legal proceedings to punish political opposition and limit free speech.

According to human rights NGOs, including HRW and AI, despite enactment of judicial reform legislation in June 2008, judges, particularly in areas that had not yet implemented the reforms, continued to allow statements coerced through torture to be used as evidence against the accused. Confessions were often the primary evidence in criminal convictions in these cases (see section 1.c.). NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant 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 2008 justice reform, which facilitates transition to an oral trial system: establishes strict guidelines on the use of confessions, evidence, and expert testimony; 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.

Regional Human Rights Court Decisions.—In a 2009 decision in the Rosendo Radilla Pacheco case, the Inter-American Court of Human Rights found the use of military courts to try human rights cases involving civilians deficient and issued a binding ruling calling for the country to evaluate and reform this process. The Inter-American Court of Human Rights called article 57 "broad and imprecise," described it as "incompatible with the Inter-American Convention on Human Rights," and concluded that the Government "should adopt corresponding legislative reforms." In March the UN Human Rights Committee observed that the country should amend its code of military justice "to ensure that the jurisdiction of military courts does not extend to cases of human rights violations" and that "in no event may military

courts judge cases where the victims are civilians.” The executive branch presented a proposal for military justice code reform to Congress on October 18. The reform proposes that crimes of torture, rape, and forced disappearance be removed from the purview of the military justice system. Human rights groups criticized the Government’s inclusion of only certain crimes in the reform instead of all human rights violations.

In November 2009 the Inter-American Court of Human Rights found in the so-called Cotton Field case that the Government denied justice to and failed to prevent the deaths of Claudia Gonzalez, Esmeralda Herrera, and Berenice Ramos, whose bodies were found near Ciudad Juarez, Chihuahua, in 2001. The Government had provided compensation to the victims’ families but had not complied with the court’s ruling to investigate the case by year’s end.

In October the Inter-American Court of Human Rights ordered the Government to compensate Ines Fernandez Ortega and Valentina Rosendo Cantu, who were both abused in 2002 by soldiers in Guerrero State (see section 6, Indigenous People).

On December 20, the Inter-American Court of Human Rights published its sentence in the case of Rodolfo Montiel and Teodoro Cabrera, ruling against Mexico for human rights violations committed in 1999 against the ecologists from the state of Guerrero, including violations of the rights to liberty, personal integrity, due process, and judicial protection. In its ruling the Court ordered the Government to carry out, within time periods set by the Court, specific reparation measures for the victims. It reiterated previous rulings and ordered the Government to remove human rights cases involving civilians from military jurisdiction.

Numerous threats and attacks against members of the Organization of Indigenous Me’phaa People (OPIM) and OFPM prompted the Inter-American Court of Human Rights to order the Government in April 2009 to provide protective measures for 109 human rights defenders in Guerrero. According to local NGOs, this protection has not been forthcoming.

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. However, for a plaintiff to secure damages against a defendant, the defendant first must have been found guilty in a criminal case, which was a high standard in view of the relatively low number of individuals convicted of human rights abuses in the country.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such practices and requires search warrants, during the year CNDH received 729 complaints of illegal searches, most related to the country’s fight against organized crime.

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. Most newspapers and television and radio stations were privately owned, and the Government had minimal presence in the ownership of news media.

Despite federal government support for freedom of the press, many journalists were the victims of increased threats, harassment, and violence. Reporters covering corrupt public officials and crime acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and to their families. In an initial report following their August country review, the UN and Organization of American States special rapporteurs for the promotion and protection of the right to freedom of opinion and expression characterized the states of Chihuahua, Coahuila, Durango, Guerrero, Michoacan, Nuevo Leon, Sinaloa, and Tamaulipas as “completely silent” due to dramatic levels of media self-censorship. According to CNDH, during the year nine journalists were killed and four disappeared. CNDH reported that 66 journalists have been killed and 12 disappeared since 2000.

The PGR’s Office of the Special Prosecutor for Crimes Against Journalists accepted jurisdiction over 61 cases during the year, 28 of which were found to be lacking in evidence and 33 of which were investigated or remain under investigation. In October the Government announced an initiative to provide protection to journalists. NGOs Article 19 and the National Center of Social Communication criticized the mechanism’s lack of funding, insufficient consultation with civil society, and reliance on local, rather than federal, authorities for protection responsibilities. CNDH issued five recommendations on crimes against journalists during the year.

On June 28, unidentified gunmen killed two journalists in a small town near Acaapulco, Guerrero—Juan Francisco Rodriguez Cortez and his wife, Maria Elvira Her-

nandez Galeana. Rodriguez Cortes was a reporter for the local newspaper, El Sol de Acapulco, and the secretary general of the local chapter of the National Union of Press Editors. He and his wife also edited a local weekly newspaper.

On July 6, journalist Hugo Alfredo Olivera Cartas was found dead in his vehicle on the outskirts of Apatzingan, Michoacan. Olivera owned and published the Apatzingan newspaper, El Dia de Michoacan, operated a small local news agency, served as local correspondent for La Voz de Michoacan, and collaborated with the Quadratin news agency. He specialized in covering crime in the Apatzingan area.

On July 9, a group of unidentified armed men abducted and killed Marco Aurelio Martinez Tijerina in Montemorelos, Nuevo Leon. Martinez was the producer and presenter of a local radio news program that covered various issues, including local politics.

On July 26, kidnappers later identified as members of the Sinaloa Cartel abducted four journalists in the state of Durango. Reportedly unhappy with the media's coverage of alleged cooperation between cartel members and police at a jail in Durango, they instructed media outlets to broadcast videos implicating rival cartels in the incident. Several channels eventually broadcast the unedited TCO videos, and all four journalists were subsequently released or rescued by police.

On August 7, hundreds of journalists demonstrated in several states against the violence and impunity associated with crimes against the press. The protest called for unity among journalists and criticized the Government for its lack of progress on the investigations of 66 members of the press killed and 12 missing since 2000. The journalists declared the Office of the Special Prosecutor for Crimes against Journalists ineffective, claiming that it had brought criminal charges in only three of the 88 cases under consideration in the past four years.

On September 16, gunmen ambushed two employees of the Ciudad Juarez newspaper El Diario. A new photographer at the paper, Luis Carlos Santiago, died, and an intern was seriously wounded. The newspaper subsequently published a front-page editorial, asking cartels to "explain what you want from us, what we should publish or not publish, so we know what to expect."

In September the PGR announced the arrest of two persons who may have been involved in the killing of journalist Armando Rodriguez Carreon, a veteran police reporter with the newspaper El Diario, which took place in 2008 in Ciudad Juarez, Chihuahua.

The 2006 killing of Bradley Will, a documentary filmmaker and independent journalist who was shot while documenting civil unrest in Oaxaca, remained under investigation. Pursuant to a December 2009 ruling by a federal judge, Juan Manuel Martinez Moreno, the only suspect in the case, was released in February, and jurisdiction over the case was transferred to Oaxaca state authorities.

The law does not provide a legal framework for issuing permits to nongovernmental and noncommercial community radio stations. According to Article 19, the Government closed down at least one community radio station in Chiapas.

Although defamation, libel, and slander are not federal offenses, 17 states have criminal libel laws making journalists vulnerable to threats of imprisonment at the state level.

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 approximately 28 Internet users per 100 inhabitants.

There were no documented instances of the Government collecting personally identifiable information.

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.—For a complete description of religious freedom, please see the 2010 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. However, according to several NGOs including AI, in the course of its operations the army occasionally restricted freedom of movement. The Government cooperated with 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 does not permit forced exile, and it was not practiced.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. The Government provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and its 1967 Protocol; however, there were no available reports that it received such requests during the year.

Pursuant to its 2008 migration agreement with Cuba, the country repatriated 154 undocumented Cubans.

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. There were occasional cases of criminal-style killings that had apparent political motivations (see section 1.a.).

Elections and Political Participation.—The closely contested presidential and congressional elections of 2006, in which Felipe Calderon was elected president to a six-year term, were considered generally free and fair by the majority of neutral observers, including EU representatives and local and international civil society organizations. On July 4, local legislative and gubernatorial elections, which took place in select states, were free of significant violence or claims of fraud.

The law prohibits all public and private funding of political advertisements on television or radio outside of time slots established by individual states. It also requires placement of all political campaign advertisements through the Federal Elections Institute (IFE) and stipulates allocation of broadcast time 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 previous national election.

There were 27 women in the 128-seat Senate and 135 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court, and there were three women in the 19-member cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties continued their efforts to increase the number of women running for elected office. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were 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.

Section 4. Official Corruption and Government 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. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

By the end of the year, 16 SSP and PGR officials had been indicted for corruption since the Government launched Operation Cleanup in 2008; however, none had been convicted. During the year the Customs Agency relieved more than 700 employees and replaced them with vetted officials.

President Calderon remarked in speeches in March and October that corruption was a serious problem in the police forces and a primary reason for the use of the military in the domestic counternarcotics fight. CNDH reported that police, especially at the state and local level, were involved in kidnapping, extortion, and in providing protection for, or acting directly on behalf of, organized crime and drug traf-

fickers. Local forces in particular tended to be poorly compensated and directly pressured by criminal groups, leaving them most vulnerable to infiltration. According to a 2009 HRW report, impunity was pervasive, contributing to the continued reluctance of many victims to file complaints. Responsibility for investigating federal police criminal abuse falls under the purview of the PGR or the Secretariat of Public Administration, depending on the type of offense.

In May SIEDO arrested Gregorio Sanchez, the mayor of Cancun, and a federal judge charged him with money laundering, drug trafficking, and cooperating with drug traffickers. Officials at Cancun's municipal jail have been connected repeatedly with TCOs, and jail director Alberto Rojas Garcia was dismissed on September 15 amid allegations that he provided assistance to the perpetrators of the August 31 bombing of a Cancun nightclub.

Other high-profile instances of corruption included the September incident involving congressman-elect Julio Cesar Godoy, who had been a fugitive for 15 months but was able to elude authorities by taking his oath in Congress and obtaining parliamentary immunity. According to public prosecutors, Godoy was in charge of providing institutional protection to La Familia. On December 14, however, Congress voted to remove this immunity. At year's end Godoy remained at large.

Migration officials were implicated in a number of cases involving crimes against migrants and human trafficking. In December Oscar Manuel Navarrete Orozco and his wife Maria America Maldonado Alfaro, both former migration officials arrested in 2007, received prison sentences of 12 and eight years, respectively, for their role in operating a migrant smuggling ring.

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), the agency responsible for information requests, received more than 120,000 such requests during the year. All states have laws complying with the 2007 constitutional reforms regarding access to information and have signed a formal agreement with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

In September IFAI ordered SEDENA to make public information related to the 1998 military operation "El Charco" in Guerrero, in which 11 persons, including one student, were killed and 22 persons were detained for four years for rebellion. SEDENA refused to comply with the order, claiming that the original request had come from an individual without residence in the country.

In July CNDH brought a case before the Supreme Court challenging the PGR's right to withhold information from CNDH. This dispute stemmed from an unresolved conflict in the law under which CNDH should have access to all information it needs to fulfill its human rights mandate and investigate serious cases, while the PGR claims the right under law to withhold information on cases under investigation. At year's end the court had not ruled.

To better manage the corruption problem, in January 2009 the Government enacted legislation establishing a four-year deadline to vet personnel in all of the country's 2,600 police forces using a series of testing mechanisms. The legislation requires all police forces to meet certain compensation and training standards and it makes it easier for authorities to fire corrupt or unfit officers. On August 30, 3,600 of the 34,500 Federal Police officers were dismissed after failing to perform their duties or engaging in criminal misconduct. An additional 1,020 police officers were placed under investigation for failing the vetting process.

Internal controls and vetting processes were applied to new SSP entrants and incrementally expanded to existing staff. SSP managed the "Kardex Police" registry, which provides a database of police at all levels whose records, including misdeeds, are catalogued. SSP expanded the Intranet-based communications platform, Plataforma Mexico, allowing for communication and coordination with federal and some state and local police throughout the country. At both federal and state levels, authorities provided for the establishment of Citizen Participation Councils (CPCs) to address citizen complaints about police and other justice system actors. The Government's efforts to increase transparency through the Office of the Attorney General's CPC at national and state levels incorporate and institutionalize processes for receiving, addressing, and resolving citizen concerns. CPCs created "observatories" to monitor criminal justice and security issues. They developed and launched two Web sites, a toll-free hotline, and the awareness campaign called "Somos Mas" to promote the online registration of citizen complaints. However, as noted by the Washington Office on Latin America and a number of human rights NGOs, citizen participation is limited to presenting complaints, and no clear mechanisms have been established for citizen participation in the design, implementation, and evaluation of public security policies.

Section 5. 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 encouraging civil society's participation in policy debates and allowing individuals to register complaints. While some NGOs reported improved engagement with the Secretariat of Government, they also expressed frustration over the difficulty to engage in constructive human rights discussions with military officials.

CNDH is the autonomous agency created by the Government and funded by the legislature to monitor and act on human rights violations and abuses. It can call upon government authorities to impose administrative sanctions or pursue criminal charges against officials, but it cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, CNDH is required to follow up with the authority to ensure that it is, in fact, carrying out the recommendation. CNDH sends a request to the authority asking for evidence of their compliance. CNDH then reports this follow-up information in its annual report. When authorities fail to accept a recommendation, CNDH publicly condemns the authority to show their lack of respect for human rights. NGOs and international organizations often draw attention to the failure of the country's institutions to comply with or even accept CNDH recommendations.

NGOs generally praised CNDH for its investigations into alleged human rights violations but criticized its inability to bring sufficient pressure to bear upon the Government to comply with recommendations.

Each of the 31 states plus the federal district has a state human rights commission, which maintains autonomy from CNDH.

The UN and NGOs reported harassment of human rights defenders. According to a November update by the Office of the UN High Commissioner on Human Rights (OHCHR), from September 2009 to October 2010, there were 37 attacks against human rights activists but only three prosecutions. The report criticized government authorities for the lack of comprehensive policies to reduce and eliminate the risks faced by human rights activists and recommended that the Government establish a national mechanism for protection of human rights defenders. NGOs maintained that state and municipal authorities harassed defenders. Due to continued threats against its staff, the Tlachinollan Mountain Center for Human Rights in Guerrero had not reopened its office in Ayutla by year's end. The Inter-American Court on Human Rights ordered protective measures for five human rights defenders during the year.

Section 6. 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, and imposes penalties of up to 20 years' imprisonment. However, rape victims rarely filed complaints with police, in part because of the authorities' ineffective and unsupportive responses to victims, the victims' fear of publicity, and a perception that prosecution of cases was unlikely. Human rights organizations asserted that authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized.

Federal law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; actual sentences, however, were normally lenient. This countrywide law obligates federal and local authorities to prevent, punish, and eradicate violence against women. Nevertheless, according to the NGO Citizen Femicide Observatory (Observatorio Ciudadano de Femicidios), domestic violence was pervasive and mostly unreported.

State-level laws sanctioning domestic violence are weak. Seven states do not criminalize it, and 15 states punish it only when it is a repeated offense. According to a survey conducted by the National Institute of Public Health in several of the country's rural and indigenous communities, victims did not report abuses for a variety of reasons, including fear of spousal reprisal, shame, and the view that the abuse did not merit filing a complaint.

The 2006 National Survey on Household Relationships, the most recent such survey completed, suggested that 67 percent of women over age 15 had suffered some abusive treatment. According to the Citizen Femicide Observatory, more than 1,700 girls and women were killed between January 2009 and June 2010. According to statistics from the Government of the state of Mexico, femicides have increased in

the state each year. With 225 cases during the year, the number of femicides has more than doubled since 2005.

According to the National Institute of Statistics and Geography, Mexico City and the 12 states of Chihuahua, Nuevo Leon, Sinaloa, Sonora, Tamaulipas, Mexico, Guanajuato, Jalisco, Morelos, Tlaxcala, Tabasco, and Yucatan experienced high rates of alleged gender-driven homicide.

FEVIMTRA—a PGR office staffed by 19 legal, administrative, and technical support professionals—is responsible for leading government programs to combat domestic violence and trafficking in persons. Its work includes prosecuting the crimes, raising awareness with potential victims and government officials, and providing the only government shelter for trafficking victims. With only five lawyers dedicated to federal cases of violence against women and trafficking countrywide, FEVIMTRA faced challenges in moving from investigations to convictions.

INMUJERES, the federal government institution charged with directing national policy to achieve equality of opportunity between men and women, reported that its national hotline established under the National Plan for a Life without Violence received 70,761 calls during the year. Although there were approximately 70 government-funded shelters, civil society and women's rights groups maintained most available shelters.

The country was a destination for sex tourists. There are no laws specifically prohibiting sex tourism, although federal law criminalizes corruption of minors, for which the penalty is five to 10 years' imprisonment.

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 31 states and in the federal district; 22 of these states have provisions for punishment when the perpetrator has a position of power. According to INMUJERES, sexual harassment in the workplace was widespread, but victims were reluctant to come forward, and cases were difficult to prove.

Couples and individuals have the legal right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. However, services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national family planning program, the lack of sex education and contraceptives in public hospitals and rural areas undermined the Government's commitment to reproductive rights.

In 2009 INMUJERES reported that 72.5 percent of women use some form of contraception. Information on maternal health was available at public and private health clinics and online at the Health Secretariat's Web site. Skilled attendants at delivery and in postpartum care were widely available except in some marginalized areas. According to INMUJERES the estimated maternal mortality rate in 2008 was 57.23 per 100,000 live births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

The law provides women the same rights and obligations as men and "equal pay ... for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, during the year women earned on average 8.2 percent less than men for comparable work; however, in some occupations the disparity reached 51 percent.

The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in pre-employment physicals and by continuing to make inquiries into a woman's reproductive status.

Children.—The country provided universal birth registration in principle, with citizenship derived both by birth within the country's territory and from one's parents.

Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care, to children living in communities where such services were in any event not widely available. The UN Children's Fund (UNICEF) country office survey data for 2000 estimated—based on the total population of children under the age of five when the survey was taken—that 90 percent or more of these children were registered at birth.

Child marriage has historically remained a problem, although there were no statistics available for the year. The minimum marital age in the country is 14 for girls and 16 for boys with parental consent, and 18 without parental consent. UNICEF estimated that in 2008—the latest year for which information was available—approximately 19.2 percent of women and 4.5 percent of males married before the age of 18.

The antitrafficking law prohibits the commercial sexual exploitation of children. UNICEF reported that 16,000 children were involved in commercial sex exploitation. NGOs CEIDAS, Casa Alianza, and the National Network of Shelters reported that sex tourism and sexual exploitation of minors were significant problems in resort towns and northern border areas.

The country does not have a statutory rape law, but it has laws against corruption of a minor, child pornography, and sexual tourism that apply to victims under 18 years of age. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For the crime of involving minors in acts of sexual exhibitionism, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage. The production, facilitation, reproduction, distribution, sale, and purchase of child pornography carries a punishment of seven to 12 years in prison and a fine of 800 to 2,000 times the daily minimum wage. Perpetrators who promote, publicize, or facilitate sexual tourism involving minors face seven to 12 years in prison and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12- to 18-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html> as well as country-specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—There were no reports of anti-Semitic acts. The Jewish community numbered approximately 50,000 persons.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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. Public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 341,000 of an estimated two million students with disabilities; only 45 percent of the country's municipalities provided special education.

In the 2000 census, 1.8 percent of the population reported having a disability, 72.6 percent of whom lived in urban areas. According to the National Commission for Persons with Disabilities, of children with disabilities between the ages of six and 14, 62.6 percent attended school, compared with 91.3 percent for those in the same age range without disabilities. Only 3.6 percent of the overall population with disabilities had finished university; 95.2 percent of all persons with disabilities had access to public or private health care. CNDH received 21 complaints of discrimination against persons with physical disabilities and three complaints of discrimination against persons with mental disabilities.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with the Integral Development of the Family (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. One popular and well-known program, spearheaded by the Humanitarian Foundation for Aid for the Handicapped, employed approximately 70 wheelchair users in the Mexico City airport. The program proved highly successful and was expanding across the country.

Nevertheless, in a 2010 study, Disability Rights International found widespread human rights abuses in mental institutions across the country, including lack of access to justice, the use of physical and chemical restraints and lobotomies on patients, and trafficking of children with mental disabilities. According to the Latin American Network of NGOs for Disabled Individuals and their Families, 14 percent of workers with disabilities did not receive a salary and 22.6 percent earned below the minimum wage.

Indigenous People.—CNDH and the Secretariat of Indigenous Peoples in Chiapas acknowledged that indigenous communities have long been socially and economically marginalized and subjected to discrimination, particularly in the central and southern regions, where indigenous persons sometimes represented more than one-third of the total state population. In the state of Chiapas, the NGOs Fray Bartolome de las Casas (FrayBa) and SiPaz argued that indigenous peoples' ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible.

Indigenous groups reported that the country's legal framework neither respected, nor prevented violations of, the property rights of indigenous communities. Communities and NGOs representing indigenous groups reported that the Government did not consult indigenous communities adequately when making decisions about development project implementation on indigenous land.

Indigenous persons did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In Oaxaca State, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs," which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation. These communities applied traditional practices to resolve disputes, chose local officials, and collected taxes without federal or state government interference. While such practices allowed communities to elect officials according to their traditions, usages and customs laws generally excluded women from the political process and often infringed on the rights of women and religious minorities.

A conflict between factions of the Triqui indigenous group in Oaxaca led to the besieging of the town of San Juan Copala, which was blockaded by armed paramilitaries. On April 27, an armed group in Oaxaca attacked and killed two members of a humanitarian aid mission travelling on the road to the town. The delegation, which sought to deliver aid and document human rights violations against the Triquis, included NGO members, human rights defenders, and international human rights observers from Germany, Belgium, Finland, and Italy. Beatriz Alberta Carino, director of the CACTUS organization community radio group, and Jyri Antero Jaakkola, a Finnish observer, were killed during the attack. The incident remained under investigation with no known results at year's end.

The Government generally showed respect for the desire of indigenous persons to retain elements of their traditional culture. The law provides protections for indigenous persons.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages. In practice education in indigenous languages was limited by the lack of textbooks and teaching materials, as well as the lack of qualified teachers fluent in these languages.

During the year CNDH received 132 complaints about human rights abuses of the indigenous population; by year's end it concluded investigations into 134 complaints and 35 remained pending. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

NGOs such as FrayBa and SiPaz reported that state authorities and nongovernmental actors harassed and abused indigenous human rights defenders.

In 2009 the Tlachinollan Mountain Human Rights Center closed one of its offices in Ayutla de los Libres, Guerrero, because of threats and a climate of insecurity toward indigenous rights activists, and the office remained closed during the year.

UNHCR and AI criticized the Government for arbitrarily detaining and imprisoning some indigenous members of the OPIM. In 2008 authorities detained and charged OPIM members with the murder of Alejandro Feliciano Garcia, an army informant, in the town of El Camalote, Guerrero. The Tlachinollan Mountain Center for Human Rights defended the five in court and eventually secured the release of all, most recently Raul Hernandez in August.

During the year AI documented cases of intimidation and harassment of OPIM and OFFPM indigenous members, including the intimidation of human rights defender Raul Hernandez in Guerrero following his August release from prison.

In October the Inter-American Court of Human Rights ruled on the cases of OPIM members Valentina Rosendo Cantu and Ines Fernandez Ortega, indigenous women whom soldiers allegedly detained arbitrarily and raped in separate incidents in 2002. The Inter-American Court of Human Rights decision ordered the military to compensate the victims and their families, who have complained of harassment and intimidation by soldiers in the area since the court accepted the cases in 2006. In 2008 the brother of Ines Fernandez Ortega was found dead in Ayutla de los Libres, Guerrero, and in August 2009 her daughter was reportedly accosted and threatened by men in Ayutla.

The OHCHR, as well as NGOs AI, SiPaz, and RedTDT, reported that Chiapas-based human rights defender Margarita Martinez and NGO FrayBa received death threats on November 24 in connection with their work on human rights for indigenous groups in Chiapas.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While society increasingly accepted homosexual conduct, CNDH and the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. According to the National Center and the Mexican Foundation for Family Planning, societal discrimination based on sexual orientation was common, reflected principally in entertainment media programs and everyday attitudes. Activists organized gay pride marches in cities across the country; the largest, in which 400,000 persons participated, was held in June in Mexico City. In December 2009 Mexico City legalized gay marriage and adoption, which took effect in March. In August the Supreme Court ruled that all 31 states were required to recognize gay marriages conducted in states that permitted it and upheld a law that allows gay couples in the capital to adopt children.

Other Societal Violence or Discrimination.—CNDH reported that police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety. In August 72 migrants were kidnapped and killed in Tamaulipas, reportedly by TCO members, provoking the Government to implement an interagency plan to address violence against and exploitation of migrants traveling through the country. Another 50 migrants were reportedly kidnapped in Oaxaca in December.

There were no known developments in the 2007 cases of Jose Alejandro Solalinde, a priest and activist for migrant rights, and 18 Central American migrants who were reportedly beaten and detained for seven hours by police officers in Ixtepec, Oaxaca. Solalinde continued to receive threats; in April CNDH and the Inter-American Commission on Human Rights ordered protective measures for the priest and his migrant shelter. In December he reported receiving threats from Zetas and the Mara 13 gangs who threatened to enter the shelter by force to take 15 migrants who had escaped from them earlier that month. Undocumented migrants rarely filed charges in abuse cases because the authorities generally deported such persons who came to their attention. The INM operated 48 detention centers specifically for undocumented migrants with a total capacity of 3,913. CNDH had an office in each of these facilities to monitor compliance for respect of detainee human rights.

In 2008 CNDH issued recommendations to SEMAR and SEDENA for discrimination against military members with HIV. SEDENA accepted the recommendations and reported that the officials involved remained on duty, receiving pay and medical attention; SEMAR did not accept the recommendation and did not take further action.

Section 7. Worker Rights

a. The Right of Association.—Federal law provides workers the right to form and join trade unions, and workers exercised this right in practice, but enforcement of this law continued to be weak. Approximately 10 percent of the country's workforce was organized, and many observers noted that a majority of organized workers belonged to unrepresentative unions. According to the National Institute of Statistics, during the year there were approximately 47 million workers in the workforce, with between 15 and 20 million in the formal sector, defined as those paying taxes and receiving benefits from the IMSS. The country's official unemployment rate was an estimated 5 percent, and its underemployment rate was approximately 9 percent, but unofficial estimates for unemployment as well as underemployment were much higher. The youth unemployment rates reached 9.2 percent in September, and the so-called "ni-nis"—youth ages 14 to 25 who neither work nor study—became a serious political discussion. The topic of informal sector employment also generated discussion, with the Government estimating that 26 percent of the workforce to be employed in the informal economy (those who do not pay taxes or receive benefits from IMSS). However, private think tanks estimated such informal employment to be 64 percent.

Approximately 10 percent of the formal sector was unionized. By law 20 workers may formally register an independent union. However, administrative procedures for registration remained complex and burdensome, and government labor boards frequently rejected independent union registration applications on technicalities. A new union also must often challenge the existing union, if one exists, for control of the collective bargaining contract. Union organizers from several sectors complained about the overt and usually hostile involvement of the Government in their attempts to develop independent unions. Credible reports continued to note the use of officially sanctioned protection contracts, which consisted of an informal agree-

ment whereby the company supported an unrepresentative union (i.e., not chosen democratically by workers) in exchange for labor peace. Exclusion clauses in these protection contracts gave promanagement unions the right to prevent the formation of an authentic union by expelling agitators from the “official” union, thereby obliging the company to fire these individuals. Some fired workers accused unions of harassment and intimidation. The Government’s general failure to enforce labor and other laws left workers without much recourse with regard to violations of freedom of association by employers or unions, working conditions, or other problems. Workers were reportedly frequently expelled from official unions for trying to organize their colleagues. An international human rights organization also reported that workers who sought to form independent unions risked losing their jobs, as inadequate laws and poor enforcement generally failed to protect them from retaliatory dismissals.

Elections for union leaders were traditionally not secret, despite a 2008 Supreme Court decision requiring their confidentiality. Union managers and officials were usually present with the presiding labor board official when workers openly declared their individual votes, and workers continued to face intimidation in the voting process.

The Sindicato Mexicano de Electricistas (SME) continued to seek legal existence after the Mexican government shut down its employer, Luz y Fuerza del Centro, after it was incorporated into the national power company Comision Federal de Electricidad in October 2009. During the year the SME faced a series of legal setbacks but remained militant. In December the SME held elections in which the de facto leader became the de jure leader. The leadership was granted official government recognition, and the union promised to keep fighting until its workers were employed again as public servants in the electricity industry.

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 may call for a strike. Before a strike may be considered legal, a union must receive approval of a strike notice from the appropriate labor authorities. Independent union activists claim that this “government veto” on strikes gives authorities the power to show favoritism by determining which companies will be protected from strikes. Although few formal strikes actually occurred, informal stoppages of work by both union and nonunionized groups were fairly common. In the reporting period, 11 strikes were launched, and all but one was resolved.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, but the Government did not consistently protect this right. Collective bargaining agreements covered approximately 10 percent of workers.

The use of so-called protection contracts by employers continued to expand and was common in all sectors. Such contracts were collective bargaining agreements negotiated between management and a non-representative union. These contracts were often developed prior to the hiring of a single worker at a new job site and managed without direct input from workers. Collective bargaining agreements resulting from protection contracts usually failed to provide workers benefits beyond the legal minimum and impeded the rights of legally recognized independent unions to effectively and legitimately bargain collectively on behalf of workers. Individuals and non-representative union leaders involved in the development of protection contracts took advantage of the lack of awareness of worker rights by the Mexican workforce to prevent workers from achieving more favorable collective contracts and fully exercising their rights to labor protection as defined by law.

In June Grupo Mexico, a large mining company, won a Supreme Court case against the National Mine and Metalworkers Union (“los Mineros”) that allowed it to legally end a long-running strike, dissolve the collective contract, and rehire workers at the copper mine in Cananea, Sonora. Grupo Mexico very quickly began clean-up operations and set up a union to represent workers. Miners suspected this union would not be representative, and many feared that the presumed protection union would prevent los Mineros from representing Cananea’s workers. In early September violence broke out between police forces protecting the mine and members of los Mineros who were maintaining a protest at the gate. The clash raged in the town of Cananea for just under 24 hours before federal and state police could restore calm. In the aftermath, one contract worker had been shot in the head and was in critical condition, and slightly more than 20 los Mineros members were detained and charged with violence and disturbing the peace. The struggle at Cananea continued to impact workers through the end of the year as lawsuits and labor rights campaigns persisted.

A group of workers at Telefonica’s ATENTO call centers launched a campaign to improve their working conditions after several health complaints. They eventually

attempted to oust their protection union and form a legitimate union under the auspices of the National Telephone Workers Union. ATENTO fired the principal organizers, who reported harassment and intimidation, but the workers eventually won the right to a vote for their union. The independent union did not win its bid to represent ATENTO workers, but with the support of the National Telephone Workers Union the workers continued to organize and rally support against protection contracts.

At the Johnson Controls Interiors plant in Puebla, several workers complained about health and safety problems. They were supported in their attempts to achieve better working conditions by the Worker Support Center (Centro de Apoyo al Trabajador—CAT), a local NGO. Workers alleged intimidation and violence on the part of the existing protection contract and consequently voted to change to an independent contract. At the end of the year, the independent contract remained pending finalization.

In late December the CAT leader reported that its offices had been burgled and vandalized. Perpetrators stole personnel information, account information, cash, and computers and wrote threatening messages on the walls. Shortly after the break-in, the CAT leader left the country after receiving death threats. The case was submitted to the Inter-American Human Rights Commission.

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

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor by children and adults, such practices commonly persisted in both the agricultural and industrial sectors. Migrants and children were the most vulnerable to forced labor. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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 allows those between the ages of 14 and 16 to work limited hours, not at night or in hazardous conditions, and only with parental permission. According to UNICEF and International Labor Organization statistics, 3.6 million (16 percent) children between the ages of five and 14—many of them indigenous—were involved in child labor activities. Approximately 1.5 million child laborers did not attend school.

Child labor was especially prominent in the agriculture sector. According to the Government's 2007 national child labor survey, 3.1 million children, ages five to 17, worked with approximately one-third of them in the agricultural production of melons, onions, sugarcane, tobacco, and tomatoes. Child labor in agriculture was most common among migrant and indigenous children. Other sectors with significant child labor included commerce (803,515), services (718,588), manufacturing (391,000), and construction (151,787).

For child trafficking, see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The Secretariat of Labor and Social Security (STPS), which is charged with protecting worker rights, carried out child labor inspections and led a number of initiatives to address child labor. The STPS conducts workplace inspections to verify that no child under age 14 is working and that children between ages 14 and 16 are not participating in activities prohibited by federal labor law. The STPS was involved in programs that supported the elimination of such exploitation and the improvement of conditions for working minors. During the year the STPS provided workshops on child labor exploitation and planned to introduce on-line courses on the labor rights of children and adolescents. The STPS also designed a campaign to educate workers and employers about agriculture workers' rights in 26 of the 31 states. The STPS continued to work with global donors to implement programs to combat child labor in the agriculture sector, including in Michoacan, Veracruz, Chiapas, and Sinaloa. The STPS also collaborated with other government secretariats and offices.

In addition the Secretariat for Social Development, the PGR, and the Family Development Institute each has responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The labor inspection process is complicated by complex and outdated divisions between federal and state jurisdictions. Furthermore, child labor inspections were made difficult by the economic need of many children to work for a living. Anecdotal evidence suggested children often colluded with their employers to avoid being removed from the workplace. Government enforcement was reasonably effective at large- and medium-sized companies, especially in the maquila sector and other industries under federal jurisdiction; inadequate at many small companies and in the agriculture and construc-

tion sectors; and 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.

e. Acceptable Conditions of Work.—By law the National Minimum Wage Commission of the STPS is charged with setting the minimum wage each December for the coming year. During the year the commission increased the minimum wage by 4.85 percent, just under the year's average inflation rate of 5 percent. The minimum daily wages, determined by zone, were 57.46 pesos (\$4.65) in Zone A (Baja California, Federal District, State of Mexico, and large cities); 55.84 pesos (\$4.52) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and 54.47 pesos (\$4.41) in Zone C (all other municipalities). Most workers received between one and five times the minimum wage. Metropolitan Autonomous University experts noted that article 90 of the federal labor law states that an individual's salary should be sufficient to provide for the basic needs of the worker and his dependent family, and the minimum wage clearly did not meet that requirement.

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; the law prohibits compulsory overtime. There were labor rights disputes filed with labor boards and international labor organizations during the year regarding complaints that workers did not receive overtime pay they were owed. Employers often used the "hours bank" approach—requiring long hours when the workload is heavy and cutting hours when it is light—to avoid compensating workers for overtime.

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 are 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, but in practice this was often not permitted. Plaintiffs may bring complaints before the Federal Labor Board at no cost to themselves. STPS and IMSS officials reported compliance was reasonably good at most large companies.

NICARAGUA

Nicaragua is a constitutional democracy with a population of approximately six million. Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) began his second term as president in 2007, following an election in 2006 that international observers characterized as generally free and fair. Security forces reported to civilian authorities. There were instances in which elements of the security forces acted independently of government control.

The most significant human rights abuses during the year included restrictions of citizens' right to change their government and widely reported voting fraud in regional elections; occasional unlawful killings by security forces, which authorities in some cases investigated and punished; police abuse of suspects during arrest, which authorities in some instances investigated and punished; harsh and overcrowded prison conditions; arbitrary and lengthy pretrial detention; lack of respect for the rule of law and widespread corruption and politicization of the membership and actions of the Supreme Judicial Council (CSJ), the Supreme Electoral Council (CSE), and other government organs; withholding of accreditation from election-monitoring nongovernmental organizations (NGOs); and erosion of freedom of speech and press, including government intimidation and harassment of journalists and independent media. There were also frequent instances of corrupt practices; government harassment and intimidation of NGOs; increasing violence against women; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; widespread societal discrimination and abuse of lesbian, gay, bisexual, and transgender (LGBT) individuals; discrimination against persons with HIV/AIDS; and violations 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, security forces killed eight persons during the year. The Office of the Inspector General, which makes determinations independently of court rulings, in some cases conducted parallel investigations and administered punishments, including demotion and dismissal of officers.

On May 26, Judge Ruth Chamorro found voluntary police officer Cesar Augusto Cruz Jiron guilty of manslaughter and police officer Francisco Antonio Munoz not guilty in the February 15 shooting and killing of unarmed Manuel Quintanilla Carballo in Catarina. Jiron reportedly shot Quintanilla on the order of Munoz after Munoz and Quintanilla had exchanged words and fought on the street. In response to the verdict, a crowd of 200 to 300 persons—allegedly incited by Vice Mayor Isabel Carballo—attacked the Catarina police station, destroyed records and furniture, and burned a police car. An investigation by the NGO Institute of Strategic Studies and Public Politics (IEEPP) alleged longstanding animosity between the police force and citizens of Catarina that stemmed from police soliciting bribes and abusing authority. After the attack, Catarina police officers were reassigned to other departments and replaced.

On March 21, Nicaraguan National Police (NNP) officers Mariano Esteban Membreno Lopez and Alvaro Vincente Membreno Lopez killed Winston J. Mendoza and injured Jesus Mercado in the Managua barrio of Dimitrov. Accounts by the officers and local residents differed (firing into the air while pursuing gang members versus intoxicated or drug-influenced officers firing for no reason). The NNP failed to confiscate the officers' weapons even though the rounds that harmed the victims were from the same type of weapon issued to Mariano Esteban Membreno Lopez. On June 16, a court acquitted the Membreno brothers for lack of evidence.

On April 1, during a religious celebration in Waslala in the North Atlantic Autonomous Region (RAAN), a shoot-out between police and civilians resulted in the killings of four civilians (Virgilio Quintero, Salome Zeledon, Jairo Zeledon, and Henry Ochoa) and two NNP officers (Captain Reynaldo Amador and Officer Nelson Joshua Hernandez). Initial reports from NNP Commissioner Anmita Granera claimed that police fired in self-defense while trying to disarm Quintero. An investigation by the NGO Nicaraguan Human Rights Center (CENIDH) reported evidence that the officers were intoxicated; eyewitness reports claimed the same and also related that police killed Quintero while he was handing over his weapon and Salome Zeledon while his pistol was holstered. A witness claimed that police shot and injured Ochoa, a bystander, as he attempted to flee and then killed him with a shot in the back. According to CENIDH, at year's end there were no trial developments because the district attorney in Matagalpa, responsible for prosecuting the case, had not received records from the prosecutor in Waslala.

On July 7, in Chichigalpa, NNP officers shot and killed two citizens. The officers attempted to arrest Alonso Israel Cuadra Zamora, wanted for robbery, while he rode in a truck with other sugarcane workers. The NNP claimed that Zamora resisted arrest and a broad fight occurred; witnesses alleged that police fired into the truck and killed another rider, Urrita Lopez. In the following hours, civil unrest broke out and police used tear gas and gunfire to control unruly crowds, resulting in the shooting and killing of Norvin Antonio Flores and the injuring of 20 other civilians (three by gunfire, according to the media) and 12 officers. A CENIDH investigation reported that the NNP used excessive force and did not attempt mediation or antidisturbance tactics, but by year's end there were no developments in this case, and none were expected.

By year's end there were no developments, and none were expected, in the February 2009 case of Jinotega police officer Rosendo Gomez Poveda, who shot and killed Jose Magdaleno Rocha Benavides, and in the October 2009 case of a police officer in Somoto, Madriz, who shot and killed Francisco Absalon Carrasco Montano.

Concerning the case of the 2008 killing of Luis Angel Vargas Salgado, in April 2009 a jury found police officers Denis Cano and Norvin Sevilla guilty of homicide. A judge sentenced Cano, the patrol chief, to 12 years in prison (later reduced to two years and six months) and Sevilla to three years. On May 6, Salgado's mother filed a complaint with CENIDH, claiming that Cano and Sevilla had not been incarcerated immediately following their sentences and that her family had received numerous death threats. By year's end Sevilla was released from prison, and Cano's case was under appeal.

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 frequently abused suspects during arrest; often used excessive force, including beatings on body areas that do not bruise easily; or engaged in degrading treatment that caused injuries to criminal suspects during arrests. According to an NNP report covering the period January–September, the NGO Permanent Commission on Human Rights (CPDH) and CENIDH—the main human rights organizations—received seven and five complaints, respectively, against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment at prisons. Human rights organizations claimed that the Government generally did not take action on complaints against government authorities or security forces.

The National Human Rights Institute (PDDH) reported that the largest number of complaints received during the year (1,291, or 35 percent of the total) was related to the NNP and that the NNP had the highest rate of compliance with PDDH resolutions (80 percent) (see section 5).

On March 17, during a carnival celebration, two student members of the National Network of Citizen Resistance (Jairo Contreras and Jessica Lottz) were distributing flyers that called for a protest against government corruption when a police antiriot squad with covered badges and identification numbers surrounded and without explanation assaulted and injured them and wrestled away their flyers. At year's end there were no developments, and none were expected, in this case.

There were no investigations or charges, and none were expected, in the April 2009 warrantless home search, strip search, and beating case, notwithstanding a complaint filed with the CPDH; in the June 2009 case of police firing into a crowd of protesting indigenous lobster divers and injuring two persons; in the September 2009 case of antiriot police dispersing and injuring protesting artisanal salt makers; or in the October 2009 case of Sandinista-led Citizen Power Council (CPC) members beating a female member of the NGO Coordinadora Civil.

Prison and Detention Center Conditions.—Prison conditions continued to deteriorate due to antiquated infrastructure, increasing inmate populations, and lack of capital investment. The country's eight prisons, designed for fewer than 5,000 inmates, held more than 6,500 prisoners. They suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations provided some prisoners with food and medical attention to mitigate harsh conditions since, according to NGOs, prisoners were only provided with the bare essentials: food (beans and rice) and water. The national budget allowed only 11 cordobas (approximately \$0.50) per prisoner per day for three meals and lacked an amount for prisoner health. The Government permitted religious observance by prisoners and detainees.

Conditions in jails and temporary holding cells were also harsh. Most facilities were old; infested with vermin; physically deteriorated; lacking in potable water; and equipped with inadequate ventilation, electric, or sewage systems. There were no reports of detainee deaths due to dangerous conditions, although many prisoners suffered mistreatment and discrimination from police officials and other inmates. The PDDH reported receiving 163 complaints related to prison conditions.

In May Isolda del Socorro Herrera complained in a filing to CENIDH that during incarceration in the National Women's Prison, La Esperanza, in Managua, officials subjected her to numerous unnecessary vaginal searches and intentionally delayed her release.

On July 11, police arrested a young gay man (identified in the media only by the initials J.O.M.) in Altagracia and placed him in a prison cell with four inmates on Ometepe Island. J.O.M. alleged that police told the other prisoners he was “fresh meat,” provided them condoms, and ignored his pleas for help as prisoners raped and sodomized him repeatedly until the next day. After his release his family complained to Altagracia officials; after no response, the family brought a case to the Rivas Department municipal court. The case began on October 11 and was underway at year's end.

During the year CENIDH received some prisoner reports of mistreatment by the Judicial Auxiliary Directorate, the plainclothes police unit responsible for investigation of serious crimes. One family member reported to CENIDH the case of a prisoner subjected to electric shock; at year's end, CENIDH awaited the results of an examination by the CSJ Institute for Forensic Medicine (IML).

Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners also shared cells with adults due to overcrowding, especially in the departments of Leon, Matagalpa, and Esteli. Suspects were regularly left in police holding cells during their trials because the Government did not allocate funds to transport them to court. During the year the CPDH identified cases where prisoners have waited for months in NNP holding cells for movement to permanent facilities or for judicial

proceedings to commence. This problem was particularly serious in the RAAN and the South Atlantic Autonomous Region (RAAS). According to an NNP report released on November 17, 93 percent of the inmates in preventive holding cells in the RAAN and the RAAS should be incarcerated in the National Penitentiary System. The report also stated that the RAAN and the RAAS prison facilities had a capacity for 1 percent of the country's total incarcerated population but held up to 11 percent.

Conditions for female inmates were generally better than those for men, but women still suffered from overcrowded and unhygienic cells. During the year human rights organizations reported that the National Women's Prison held approximately 290 women.

The Government frequently denied prison visits by local and international human rights observers, and the CPDH claimed that the Government generally denied media access to prison facilities. In certain instances the Government restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. Throughout the year local human rights groups claimed authorities denied them access to prisons and prevented them from interviewing detainees. Both the CPDH and CENIDH reported denials of access to prison facilities (except access to NNP holding cells), the CPDH, since 2007, and CENIDH, since 2009. In addition the National Assembly Human Rights Commission reported denials and slow or no response to requests for prison access. Due to their lack of access, human rights organizations received complaints through family members of inmates and often were unable to follow up cases until after release of the prisoner.

The Government allowed foreign government representatives to meet with their imprisoned nationals. However, during the year the NNP failed to notify foreign government representatives in most cases of arrests of their citizens; virtually all notifications came through friends or family members of the arrestees. In one case foreign government representatives protested that the NNP confiscated and failed to return an arrestee's passport.

Prisoners and detainees were permitted to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. However, the complaints were often ignored or not processed. The ombudsman could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, although the CPDH claimed that this generally did not occur.

The extent to which the Government monitored and investigated prison conditions was unknown, but the Government included funds in its budget to improve prison and detention facilities, including plans to repair facilities in the RAAN and to construct a new facility in Bluefields in the RAAS. During the year in Bluefields, two holding cells were remodeled, and dining- and kitchen-facility improvements were begun. On October 24, Minister of Government Ana Isabel Morales reported an annual penitentiary system allocation of approximately 340 million cordobas (\$15.5 million). The National Penitentiary System director publicly commented on requirements for a new Granada prison water well, a new Bluefields prison, and a new women's penal center, but by year's end there were no signs of new facility construction. In addition the CSJ implemented a program to ameliorate juvenile detention conditions that involved a media campaign, electronic filing systems, and psychological care for detainees. Its effectiveness at year's end was unknown.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government observed these prohibitions, with some exceptions.

Role of the Police and Security Apparatus.—The president is 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 maintains internal security. The army is responsible for external security but also has some domestic security responsibilities, including combating drug trafficking. There were 10,072 NNP employees, of whom 9,341 were police officers and 731 were civilian personnel.

The Government's inadequate funding of the NNP hampered efforts to improve police performance and resulted in a continuing shortage of officers. The NNP reported that its budget of approximately 1.1 billion cordobas (\$50 million) was insufficient and negatively affected operational capacity. During October the Government began constructing a new medical forensic facility funded by foreign government assistance.

The Office of the Inspector General in some cases investigated and punished officers through internal administrative measures and referred some corruption cases of lower-level officers to courts. 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 police abuses. From January to September, the office registered 2,010 complaints and investigated 1,418 cases of alleged police misconduct involving a total of 2,296 officials. Of the complaints filed against police, approximately 73 percent pertained to human rights violations; 14 percent to corrupt acts; and 13 percent to minor offenses or infractions. Authorities disciplined 710 officials, resulting in 34 demotions, 126 minor disciplinary actions, and 550 other types of disciplinary action. In 29 other cases, judicial resolution was pending at the end of the period.

NNP regulations require that police trainees receive human rights instruction to graduate from the police academy and also annual recertification in human rights awareness. During the year the police academy formally trained 3,219 officers and trainees in human rights principles, of which 641 officers received continuous or follow-on training. The army included human rights training in its curriculum. Additionally, the antitrafficking-in-persons and antichild-labor NGO Casa Alianza reported providing training on basic human rights principles and human-trafficking prevention to approximately 230 police officers.

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. Human rights groups and other NGOs complained that in practice President Ortega continued to use his position as commander in chief and his embedded surrogates to politicize NNP affairs and threaten the organization's professionalism and institutional integrity.

For example, on September 1, a pro-Sandinista union group staged a violent demonstration at the offices of La Prensa, an opposition newspaper, and the NNP made no attempt to stop or disperse the crowd. Demonstrators used explosive projectiles shot from homemade mortars and threatened newspaper workers and CENIDH personnel. There were no injuries or property damage reported, but newspaper delivery was delayed for several hours, and employees were denied access to their workplaces. CENIDH and the CPDH declared the demonstration to have been politically motivated and government organized to apply pressure to media sources and promote self-censorship before 2011 elections. On December 10, the same group demonstrated for three hours in front of the homes of La Prensa officials, including the general manager. The demonstrators threatened violence, and police reportedly took no action to disperse them.

Arrest Procedures and Treatment While in Detention.—Individuals 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.

Arbitrary and lengthy pretrial detention after arraignment was a problem. Particularly in the RAAN and the RAAS, detainees often waited an average of six months for their cases to be presented formally before a judge due to limited facilities and high crime rates.

On June 23, authorities detained lay Roman Catholic missionary and former opposition mayoral candidate Alberto Steffano Boschi, a dual national, for five hours at Managua airport and stripped him of his Nicaragua citizenship. Convicted in 2008 of assault—a charge that he and several human rights groups labeled as fabricated and politically motivated—and sentenced to one year in prison, Boschi had fled the country. Granted amnesty by a law passed in November 2009, Boschi returned to the country to reunite with his family, but the airport citizenship revocation without regard to normal administrative process meant that his reentry was only for a limited time as a foreign tourist. On October 11, he appealed; at year's end he remained in the country as a tourist, and a court decision was pending.

In August Fausto Carcabelos complained to CENIDH that police arrested him at home, based on a March 2009 court order; held him illegally for three days; and denied him access to his attorney while incarcerated. Although pressed during the year, the NNP did not act on the complaint by year's end.

Amnesty.—During the year the National Assembly received 800 pardon requests and granted 37.

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 (see section 4). The law requires new judicial ap-

pointments be vetted by the CSJ, a process 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 PDDH reported receiving 759 complaints (18 percent of the total) concerning due process of law and 550 complaints related to access to justice during the year.

The law does not permit military tribunals to try civilians, and the military code requires the civilian court system to try members of the military charged with common crimes. Human rights and lawyer groups complained of a delay of justice caused by judicial inaction and impunity, especially regarding family violence and sexual abuse.

Trial Procedures.—Trials are public, and the law provides that defendants can choose a jury trial. Defendants have the right to legal counsel and are presumed innocent until proven guilty. Defendants also have the right of access to all information and evidence registered with the Government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. 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 cases that were initiated before December 24, 2002.

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.

Regional Human Rights Court Decisions.—On February 17, members of the Artola Delgadillo family, who had been granted special protection under precautionary measures from the Inter-American Court of Human Rights, filed a complaint with CENIDH that armed groups had again threatened them. The family members stated that relatives of Casimiro Candry, who had been sentenced in 2008 to 30 years in prison for the 2007 killings of Villanueva and Gilberto Artola Delgadillo, threatened them after police had disarmed the family members.

On May 28, the Inter-American Court of Human Rights found the Government in partial compliance with its 2005 judgment in the Yatama case, having paid indemnities for damages as well as expenses incurred by CENIDH and the Center for Justice and International Law. However, the court also found the Government in partial noncompliance, since it had not adopted legislative measures to establish judicial recourse for implementing CSE decisions, had not reformed electoral law to regulate the consequences of nonfulfillment of electoral participation requirements, had not reformed electoral law provisions that were declared in violation of the American Convention on Human Rights, had not adopted measures necessary for indigenous and ethnic community members to participate in electoral processes, and had not publicized certain paragraphs of the judgment. The court asked the Government to report its compliance progress every four months.

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.—The Government regularly failed to enforce court orders with respect to seizure, restitution, or compensation of private property. The PDDH reported receiving 110 complaints related to private property during the year. Even when courts order specific compensation, the Government refused to pay settlements, arguing it was illegal for a judge to determine compensation.

For example, at year's end the following three cases, in which the Government failed to enforce court-ordered restitution, remained pending:

Danilo Perez won cases ordering return of his property in 1994 and 1995, but the Government refused to execute the court order to expel illegal occupants from his property.

In 1999 Sylvia Sanchez, Olman Dompe, and Yolanda Diaz requested that the Attorney General's Office reclaim their property from an occupant who did not receive

title under applicable law. The office, however, filed a petition with the court requesting a ruling in favor of the illegal occupant.

The Attorney General's Office filed suit in a civil court in 2007 to overturn an appellate court ruling that ordered the Government to return a 5,349-acre property to Mrs. Lidia Baumister, although the law provides that appellate rulings may not be appealed.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, several domestic NGOs alleged that their e-mail and telephone conversations were monitored by the Government.

On April 20, an FSLN sympathizer threatened opposition leader Eduardo Montelegre, telling him that he and his family were “being watched.” His wife, Eliza Maria McGregor Raskosky, claimed that her telephone calls were recorded (see section 3).

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. Individuals could not always criticize the Government freely without reprisal, and at times the Government attempted to impede criticism (see section 1.c.).

One of the largest daily newspapers, La Prensa, claimed that government officials insulted and intimidated its journalists and that CSJ officials responded aggressively or refused to respond to questions about cases involving the constitution, rule of law, and corruption. Independent media sources reported during the year that government Web sites did not have up-to-date information ordinarily available publicly. They claimed that the CSE removed the electoral list from its site and that the National Assembly changed its site to make it difficult to refer to laws.

Independent media were active and expressed a variety of views. The Government, however, sought to restrict media freedom through harassment, censorship, the arbitrary application of libel laws, and the use of national security justifications to suppress reporting. Private individuals also harassed media outlets for criticizing the Government.

According to La Prensa in January, the Government attempted to block the importation of paper needed to produce newspapers. The Government attributed the problem to differing tax and customs agency views, but media and civil society organizations called these actions politically motivated. La Prensa also reported government use of tax audits and the denial of transmitting licenses against television and radio stations as means to exert pressure on independent media.

On October 27, alleged pressure by FSLN groups on the owner of a Juigalpa radio station forced the cancellation of a daily program, Face to Face with the News, and the denial of studio access for its head, Lombardo Madriz Fonseca, who broadcast statements critical of the Government, condemned the 2008 municipal elections for fraud, and criticized the Juigalpa mayor, an FSLN party member.

The National Assembly considered and defeated in March a bill, proposed by FSLN legislators in 2009, which would have required all journalists to belong to an FSLN-affiliated union, the Nicaraguan Journalists Association. The Committee to Protect Journalists and other NGOs had criticized the bill.

The Government continued to exclude independent media outlets from all official media events and to withhold government advertising contracts, instead funneling the equivalent of millions of dollars worth of its advertising funds and important public announcements only to “official” media outlets owned or controlled by the Ortega family. Opposition news sources reported that during official government events, they were generally not permitted to enter the venue, and if they were allowed access, were not permitted to interview or question officials.

During the year there were several reported cases of threats or acts of violence against press outlets and journalists. After the reported mid-July Ometepe prison rape (see section 1.c., Prison and Detention Center Conditions), NNP officials in Rivas Department reportedly hampered La Prensa efforts to investigate the incident and refused to provide any information. The College of Journalists issued a notice complaining about NNP behavior.

On August 27, five men ignored press credentials, assaulted independent journalist and photographer Sergio Cruz, and destroyed his camera equipment and vehicle while he was photographing an opposition mural on a public street. Several civil society groups, including Movement for Nicaragua, called the attack politically motivated.

On August 31, a contract dispute between La Prensa and six distribution service providers led to government-inspired action against the newspaper. The Government declared La Prensa's contract cancellation a violation of worker rights, and the Ministry of Labor threatened large fines and mobilized the Sandinista Workers' Center (CST), a government-affiliated union umbrella group, which violently demonstrated in front of the newspaper offices on September 1 and at the homes of newspaper officials on December 10, both reportedly without efforts by police to stop or disperse demonstrators (see also section 1.d., Role of the Police and Security Apparatus).

After September and October floods, independent news outlets reported they were denied access to, or information about, conditions in shelters and camps that housed displaced persons. The shelters were mainly controlled and administered through Sandinista-led Citizen Power Councils (CPCs) instead of through the Government agency charged with disaster response.

La Prensa continued to have pending libel cases against it in the court system, cases that newspaper officials claimed were filed for political purposes by individuals affiliated with FSLN-controlled CPCs. In January a court dismissed an open libel case against the newspaper El Nuevo Diario due to lack of evidence.

Internet Freedom.—There were no government restrictions on access to the Internet or Internet chat rooms; however, for the second year, several NGOs alleged that the Government monitored their e-mails. Individuals and groups engaged in the expression of views via the Internet, including by e-mail. Internet access was available in the majority of the country's cities, and there were more than 23,500 Internet hosts in the country as of 2006, although the International Telecommunication Union reported only approximately 3.5 percent of the country's inhabitants used the Internet in 2009. Frequent power outages and infrastructure problems hampered citizen access to Internet and e-mail services.

Academic Freedom and Cultural Events.—There were no government restrictions on cultural events.

In February the Government allegedly interfered with academic freedom when, contrary to university statutes, the FSLN influenced the election of the National Autonomous University of Nicaragua (UNAN) president in Leon. An influential FSLN member and former director of state security, Lenin Cerna, reportedly actively influenced the election and stated that he would make the UNAN an FSLN bastion, and the president-elect, Dr. Roger Gurdian Vijil, declared himself an FSLN member and publicly thanked the party for its election support.

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 its planned size and location with the police. Police failed to act against or allowed violent demonstrations by pro-Sandinista groups which generally impinged on the freedom of movement of others, endangered bystanders, and damaged or destroyed property.

Freedom of Association.—The law provides for this right, including the right to organize or affiliate with political parties; however, the CSE and the National Assembly used their accreditation powers for political purposes. CSE accreditation is mandatory for political parties and election-monitoring organizations, and the CSE withheld accreditation from election-monitoring NGOs for political purposes (see section 5). National Assembly accreditation is mandatory for NGOs to receive donations.

The FSLN made party membership mandatory for public-sector employment and used intimidation and violence to prevent opposition National Assembly deputies from convening and passing legislation. The CPDH reported that employees in various state institutions were required to affiliate with the FSLN and claimed that in order to apply for a government position, an applicant must receive a written recommendation from the FSLN. The CPDH has also received reports that the FSLN automatically withdrew party fees from the paychecks of state employees.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 generally respected these rights in practice. The Government cooperated with the Office of the 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 was no reported use of it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status, and the Government has established a system for providing protection to refugees. The National Commission for Refugees—composed of six voting members (three government ministries, three religious organizations) and five nonvoting members from human rights NGOs—is the only entity that may grant refugee status in the country. Asylum for political persecution may only be granted by the executive branch or by the country's embassies abroad.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The law provides for regularizing the legal status of approximately 6,000 Salvadorans who have lived in the country since the 1980s civil wars; waiving fines imposed on persons who have been in the country illegally and offering them a year-long status-regularization period beginning in 2008; and establishing a detention center in Managua for refugees during case processing. The center, however, was underfunded and understaffed and only had capacity for 30 refugees.

According to a January UNHCR survey, the Government granted refugee status to 120 persons, and there was one person seeking asylum.

Stateless Persons.—Citizenship is derived from birth within the country's territory and from one's parents. 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. According to NGOs the Government attempted to increase the registration of newborns by opening service desks in public hospitals, specifically Hospital Bertha Calderon in Managua, and not requiring parents to travel to distant offices. Additionally, government "social-promoter" programs have visited rural neighborhoods and encouraged registration.

Due to the high cost, persons without citizenship documents were unable to obtain "cedulas" (national identity cards). A credible December poll released by M&R Consultants estimated that more than 460,000 citizens, approximately 12 percent of the eligible population, lacked cedulas. Persons without cedulas had difficulty participating in the legal economy, conducting bank transactions, or voting and were subject to restrictions in employment, access to courts, and land ownership. Women and children lacking citizenship documents were reportedly more vulnerable to sexual exploitation by traffickers. Civil society organizations and the media reported that the Government deliberately manipulated issuing cedulas to citizens within and outside the country for political purposes. The December M&R Consultants poll found that 70 percent of surveyed citizens lacking cedulas were members of opposition parties or independents.

In August the CSE raised the cost of a cedula to 300 cordobas (approximately \$14), a 600 percent increase, without National Assembly approval. Numerous civil society organizations objected and declared the cost too expensive for the average citizen whose old cedulas had expired, almost half of whom lived on less than 22 cordobas (approximately one dollar) a day. Additionally, several organizations expressed concern by alleging that the cost increase and the increased potential for voting irregularities with new cedulas disguised a governing-party attempt to manipulate voter rolls before the 2011 election while government and political party resources were used to purchase large numbers of cedulas for party members.

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.—On January 19, the CSE issued regulations governing electoral observation for the March regional elections in the RAAN and the RAAS. Civil society organizations and the opposition claimed the regulations differed greatly from previous elections, limited electoral-observer eligibility, and tightly controlled the observation process. On January 22, the CSE disqualified numerous opposition candidates, months after the disqualification deadline. Civil society organizations reported that FSLN officials and FSLN-affiliated members of the Yatima political party were granted use of government and military transportation staged in the RAAN and the RAAS to facilitate movement of ballots and poll watchers, while opposition members were not. Opposition party members and poll watchers stated that CSE officials denied them access to voting stations on election day.

Voting fraud was widely reported in the elections, and the ruling FSLN won a majority of council seats.

In addition to being threatened by an FSLN sympathizer on April 20 with surveillance and claiming that her telephone calls were recorded (see section 1.f.), opposition leader Eduardo Montelegre's wife, Eliza Maria McGregor Raskosky, declared she was threatened by Sandinista party members on April 30. She reported that a truck—bearing CSJ markings, displaying party colors, and occupied by FSLN supporters—forced the car she was driving off the road, blocked her exit, and pointed homemade mortars at her. They ordered her to move her vehicle, as did a police officer with no badge displayed, who appeared but refused to provide his name or badge number. She reported the harassment to CENIDH and the CPDH; both labeled the actions as FSLN efforts to silence opposition.

On April 20, FSLN supporters led by FSLN-member Supreme Court justices Rafael Solís and Armengol Cuadra gathered outside the National Assembly—in support of the January 9 presidential decree that extended their terms of office and the terms of other government officials including those on the CSE—and prevented opposition deputies from convening inside the building. The crowd forced the deputies to assemble at a local hotel, later attacked that hotel, fired homemade mortars, and held the deputies hostage for several hours. The next day FSLN supporters again prevented the deputies from convening at the National Assembly. The deputies took refuge at an opposition party office that FSLN supporters also mortared. Demonstrators burned several deputies' vehicles and held them hostage for approximately seven hours. Witnesses claimed that FSLN members who worked for several government sectors took part in the demonstrations. Police did not act to disperse the crowd or stop the violence.

There were 21 women in the 92-seat National Assembly, three women in the 16-member CSJ, and 12 women in 29 cabinet-level posts. Eight persons from indigenous and other ethnic groups were deputies in the National Assembly.

Section 4. Official Corruption and Government 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. World Bank indicators reflected that corruption was a serious problem.

In the executive branch, officials dispensed funds outside the normal budgetary process controlled under law by the legislature. Officials who drew these funds, from the equivalent of hundreds of millions of dollars in economic and developmental assistance loaned by the Venezuela-led multigovernmental Bolivarian Alliance for the Peoples of Our America (ALBA), claimed they were administered by a joint venture between the state-owned oil companies of Venezuela and Nicaragua. That arrangement prevented public oversight or basic accounting to track the money. Government explanations of ALBA-related spending were often contradictory. Media reported that ALBA-funded contracts were awarded to companies run by individuals with ties to President Ortega's family. Media sources estimated these funds from Venezuela total the equivalent of approximately \$500 million annually and referred to this sum as a separate budget tightly controlled by the FSLN and not subject to the normal oversight and scrutiny.

An IEEPP study released on February 16 raised concerns about the Government's food-assistance/poverty-reduction program "Zero Hunger"—a program to grant livestock, seeds, and tools to poor citizens that was administered through government-controlled CPCs. The NGO study presented evidence that the FSLN used the program to direct assistance to areas with higher FSLN party affiliation, rather than to the poorest areas. The IEEPP claimed the program rewarded party loyalty and was a potential election tool.

Independent media, human rights groups, and opposition political parties reported that the Ortega administration blurred distinctions between party and government by using FSLN-directed CPCs. The Government administered subsidized food and other government benefits directly through CPCs, which reportedly coerced citizens into FSLN membership. During the severe flooding of September and October, the Government dispensed the majority of aid strictly through CPCs and not through an existing government disaster-response agency. Additionally, persons seeking to obtain or retain public-sector employment were obliged to obtain recommendation letters from CPC block captains. Civic groups complained that government agencies required CPC recommendation letters from persons seeking voter registration and national identity documents.

Within the judicial branch, the CSJ was demonstrably susceptible to corruption throughout the year, especially by political parties and drug cartels.

On August 11, the governing Sandinista party replaced seven boycotting Supreme Court justices affiliated with the opposition, thereby consolidating FSLN control of the judiciary. Five of the seven alternate justices appointed by the National Assembly were members of the Sandinista party; the other two were Constitutionalist Liberal Party (PLC) members. Media sources reported that the FSLN paid the two PLC justices a bribe of 1,088,000 cordobas (approximately \$50,000) each plus the salaries of the two boycotting justices they replaced. Many constitutional scholars declared the actions illegal; civil society NGOs claimed the actions were part of a Sandinista campaign to control the judiciary to legitimize the president's coming reelection campaign. Following the installation of these alternate justices, the CSJ on September 30 reaffirmed the October 2009 decision of its Constitutional Chamber that allowed the president to run for reelection, despite what many interpreted as a constitutional ban. Also in September, without obtaining the mandated supermajority in the National Assembly, the Government published a revised version of the constitution so as to allow high-level public officials to remain in their positions beyond the expiration of their terms.

The law requires that cash seized in antinarcotics operations remain under judicial-system control, until a conviction sentence is issued, but it does not clearly specify how seized cash should then be distributed. Cars seized by the NNP in drug cases reportedly were given to members of the judiciary contrary to the law requiring seized assets to be distributed equally among five government agencies.

Public officials were subject to financial disclosure laws, and the Office of the Comptroller is responsible for combating government corruption.

Although the law mandates public access to government information and statistics, it was rarely applied. Generally no reason was given for denial of access, or government agencies stated they would respond later with the information but rarely did. Government Web sites frequently did not contain this information, or the information was not current. An appeal mechanism existed if authorities denied or ignored an appropriate information request, but its processes were slow and burdensome. The CPDH, unable to obtain information from the CSE about its actions during 2008 municipal elections, filed a case in 2009 with the Court of Administrative Disputes to compel information release. At year's end the CSJ had not provided any information on the case status nor responded to CPDH information requests.

Section 5. 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 or the FSLN. Civil society organizations continued to report governmental confrontations with NGOs, adversarial conditions, and a climate of fear created to suppress organizations critical of the Government. The Government continued to prevent non-FSLN-affiliated NGOs and civil society organizations from participating in government social programs, such as Zero Hunger and Programa Amor.

The CSE made the resignations of Roberto Courtney and Mauricio Zuniga—outspoken critics of the Government—from Ethics and Transparency and the Institute for Democracy and Development, respectively, a requirement for their accreditation as election-monitoring organizations.

Domestic NGOs and their members who were under investigation reported problems in access to the justice system and delays in filing petitions with courts. Many believed that comptroller and tax authorities audited their accounts as a means of intimidation. NGOs reported encountering severe problems scheduling meetings with authorities and an unwillingness to reveal any information due to a growing culture of secrecy.

There were fewer death threats against members of civil society and human rights NGOs during the year; however, many NGOs reported being met with hostility or aggression when questioning or speaking with government officials on subjects such as corruption and rule of law. During the August CST demonstrations against La Prensa, progovernment demonstrators threatened CENIDH workers, including Executive Director Bayardo Izaba, with death.

The Government generally cooperated with international organizations and permitted visits by the UN Development Program and other UN representatives. However, on September 1, the Government reportedly forced the transfer of UN Children's Fund director Maria Jose Conde after she brought attention to the level of the country's infant mortality.

The Government maintained a human rights ombudsman in the National Human Rights Institute (PDDH). However, the presidency, without apparent constitutional

authorization, extended the terms of the ombudsman, as well as those of the 25 members of the PDDH, and new elections to replace them were not held. This led the NGOs CPDH and CENIDH and several National Assembly deputies to label the PDDH as an illegitimate, highly partisan body.

The PDDH, which is required to present an annual report to the National Assembly, stated that it did so in December for the first time since 2007. The institute reported receiving a total of 3,672 complaints, an 11 percent increase from 2009, as well as investigating and ruling on 1,471 of those cases (and referring the remainder to other agencies). Of those investigated, the PDDH claimed to have found proof of violations in 495 cases and that public institutions complied with 114 resolutions (23 percent) of the total resolutions it issued. It also maintained a weekly newsletter that detailed some activities and recommendations.

The National Assembly operated a human rights committee that focused primarily on amnesties and pardons. Civil society organizations viewed the committee as controlled by partisan political forces and not credible.

Section 6. 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 prohibitions, and aggrieved persons filed few discrimination suits or formal complaints.

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. 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. NGOs reported that both sexual and domestic violence increased. During the year the NNP listed a total of 25,803 reported cases of violence against women, encompassing 2,737 cases of sexual crimes that included 1,276 cases of rape, 407 cases of rape of a minor, and 188 cases of attempted rape. There were no statistics available as to prosecutions, convictions, or punishment.

On May 9, rape victim and former government worker Fatima Hernandez began a hunger strike in front of the CSJ to protest the release from prison of her alleged rapist, Farington Reyes, her former co-worker at the Ministry of Migration and a Sandinista supporter. On June 8, a court convicted Reyes of the July 2009 attack and sentenced him to eight years in prison; throughout the proceedings, Hernandez claimed that family members of Reyes threatened her repeatedly. On October 18, the scheduled appeal date, family and friends of Reyes, carrying knives and stones, threatened and verbally assaulted Hernandez and forced her to shelter nearby and miss the trial. At the rescheduled trial on October 25, without receiving any new evidence, the appellate court dismissed the case and set Reyes free, based on his defense that a prior romantic relationship existed between Hernandez and him. She resumed her hunger strike shortly thereafter and, on November 8, was hospitalized for malnutrition and dehydration. The next day an appellate court in Managua sentenced Reyes to a reduced sentence of six years; he appealed the decision to the CSJ, which postponed the case until January 2011.

The law requires female victims of sexual crimes to undergo a medical examination by CSJ forensic specialists before proceeding legally against alleged perpetrators; the lack of female forensic doctors deterred women from taking legal action. Rape victims were often unaware or uninformed about the procedures required to process their cases officially, and much time transpired before victims received the necessary physical and psychological examinations.

Rape and sexual abuse of adolescent girls continued. According to the NNP, approximately 24 percent of rape cases during the year involved minors. A June study by the IML showed that 74 percent of rape victims were between the ages of 11 and 17 and persons known to the victim committed 88 percent of the rapes. A November Amnesty International report noted that incidents of rape and sexual abuse in the country were “widespread, endemic,” that the majority of victims were young, that young women faced many obstacles in reporting sexual violence, that the Government did not provide girls sufficient protection, and that many victims did not have access to comprehensive support services.

The law criminalizes domestic violence and provides prison sentences up to six years. The law also provides for the issuance of restraining orders to protect women who fear for their safety. NGOs asserted that victims of violence did not have reasonable access to justice; only approximately 10 percent of cases went to court, while the majority of cases were resolved through mediation. NGOs asserted that this form of case resolution was ineffective and led to patterns of abuse and impunity.

During the year the NNP reported 2,943 cases of domestic violence. NGOs and the NNP asserted, however, that domestic violence remained widespread and under-reported, primarily due to cultural attitudes. During the year the IML released a

study that showed total domestic violence cases rose from 10,208 to 11,313 in the period 2005-09 and concluded that more than 70 percent of women in the country were victims of domestic violence, with the majority between the ages of 25 and 36.

The NNP reported that 34 women were killed during the year due to domestic and sexual violence, 41 percent of these killings were committed by spouses, and 27 percent of the victims were sexually abused before death. Many victims were often raped, beaten, maimed, or mutilated. According to the IML and the Center for the Prevention of Violence, as of October, 80 women were killed, eight of whom were young girls. Courts convicted seven individuals of the killings, while another 29 awaited trial.

Recent increases in the reporting of domestic violence and violence against women were attributed in part to a higher frequency of occurrence, in part to a greater public willingness to come forward, and in part to the NNP's continued campaign ("A Home Cannot Be Built Out of Violence. Give Love To Your Family") aimed at raising public awareness of such violence and helping domestic-abuse victims. Also, local organizations such as the Women's Network against Violence and the Center for Prevention of Violence were instrumental in raising awareness.

During the year 38 NNP women's commissariats operated in the country, three more than in 2009. 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 the Government and the NNP intensified media and community outreach campaigns to encourage women to report spousal abuse and other violence, commissariats lacked sufficient government-provided equipment and funding to discharge their responsibilities adequately. There were no government-operated shelters dedicated to female victims of violence or abuse, although there were seven nongovernment-operated women's shelters, two less than in 2009—a number the NNP labeled as insufficient.

The law imposes a penalty of five to seven years' imprisonment for convicted sex-tourism offenders. The country was a source, destination, and transit point for sex tourism. A December 23 NNP report listed 11 reports received of sex trafficking, of which four had judicial proceedings opened, and the Prosecutor General's Office reported 13 cases of sex trafficking during the year, with no information available to determine if those trafficking cases were related to sex tourism. Government efforts to combat sex tourism reportedly were inadequate. Several NGOs reported that sexual exploitation of young girls was common, as was the prevalence of older men (often foreigners) who exploited young girls under the guise of providing them support. Generally NGOs provided care and rehabilitation to victims trafficked for sex tourism. Casa Alianza reported caring for 27 such victims during the year and referring 13 cases to the NNP for investigation (two were initiated).

The law prohibits sexual harassment, and those convicted face between one- and three-year prison terms, or three- to five-year sentences if the victim is under age 18. By year's end there were no statistics on sexual harassment cases or related prosecutions available from the Public Ministry.

The Ministry of Health's family-planning norms provide couples and individuals the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were more available in urban areas but have improved in remote areas, such as the Atlantic coast. Women generally received better access than men to diagnostic services and treatment for sexually transmitted infections, including HIV, because NGO efforts and government campaigns focused on women's reproductive health. Health centers and hospitals provided information on the benefits of family planning and breast feeding and generally had programs in place to address problems. A 2010 Population Reference Bureau report indicated that 70 percent of married women ages 15-49 used a modern contraceptive method and that the gap between urban and rural users had decreased.

Women in some areas, such as the RAAN and the RAAS, did not have widespread access to medical care or programs, and maternal death was generally more likely to affect poor rural women than their urban counterparts. The Ministry of Health reported 70 maternal deaths per 100,000 live births during the year, while in 2008 the UN Population Fund estimated the maternal mortality rate at 100 deaths per 100,000 live births. Most of the women who died in childbirth were older than 35 years or adolescents who lived in rural areas and had low education levels.

The law provides that women enjoy the same rights as men, including in the family and the workplace and regarding property. However, women generally experienced economic discrimination in access to employment, credit, and pay equity for substantially similar work, as well as in owning and managing businesses. A 2010

World Economic Forum survey estimated that women earned approximately 45 percent less than men for comparable work. 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 Human Rights Ombudsman's Special Prosecutor for Women and the Nicaraguan Women's Institute, the principal government entities responsible for protecting the legal rights of women, had limited effectiveness.

Children.—Citizenship is derived by birth within the country's territory and from one's parents; the Ministry of the Family, Adolescents, and Children (MiFamilia) is responsible for registering births (see section 2.d.), but did not make statistical data available.

"Programa Amor," the child-welfare program launched in 2007 by the president's wife, was designed to end child labor and child homelessness, but questions were raised regarding organizational transparency and information accuracy. For example, a 2009 MiFamilia estimate of 25,000 homeless children in Managua differed significantly from the estimate of 238,000 such children in a 2005 National Child and Adolescent Labor study, and a 2009 CENIDH investigation reported that the situation concerning homeless children in the country had not changed significantly since Programa Amor's inception. On May 24, La Prensa questioned the program's effectiveness and the Government's reluctance to make public its funding sources, budget, and statistics about progress, and there was no information on Programa Amor's effectiveness available on MiFamilia's Web site.

The NNP reported that approximately 13 percent of the victims of domestic and sexual violence were children, the majority of whom were between the ages of 15 and 17. Save the Children reported that both child abuse and violations of children's human rights increased most notably in poor rural areas. The NNP conducted a public-outreach campaign to raise awareness of domestic violence.

NGOs stated that, while child marriage was uncommon, it existed in rural areas. There were no reported government efforts to combat it.

The law prohibits promoting or engaging in child prostitution, but it remained a problem. Penalties include four to 10 years in prison for a person who entices or forces a child under age 12 to engage in sexual activity, and one to five years in prison for the same acts involving persons between the ages of 12 and 18. The law defines statutory rape as sexual relations with children who are 13 years old or younger, and there is no law prohibiting prostitution by juveniles 14 years of age or older. Local organizations, especially in Granada Department, worked with hotel owners and tourist service providers to curb child prostitution related to sex tourism.

The law also prohibits promoting, filming, or selling child pornography. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor younger than 16 years for sexual or erotic purposes, or forcing such a person to watch or participate in such an act, is five to seven years in prison. If the victim is older than 16 years, but younger than 18 years, the penalty is reduced to four to six years in prison. The NNP reported no new cases of child pornography during the year. In February a court convicted three individuals in a 2009 case involving child pornography, trafficking in persons, and abuse of minors and sentenced them to imprisonment terms ranging from seven to 37 years.

According to the IML midyear report, 76 percent of sex crimes were with minors younger than 17 years old. The country was a destination for child sex tourism, primarily in Granada and Managua Departments; however, there were no officially reported cases during the year.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance with the convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish community numbered fewer than 50. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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. Laws related to persons with disabilities did not stipulate penalties for companies noncompliant with its provisions, although penalties may be issued under the general labor inspection code. MiFamilia is responsible for the protection and advance-

ment of rights for persons with disabilities. The Government did not effectively enforce the law with regard to the protection of such individuals, did not mandate accessibility to buildings for them, and did not make information available on efforts to improve respect for their rights. The PDDH reported that less than 1 percent of public sector employees were persons with disabilities and that public institutions lacked coordination with the Ministry of Labor (MITRAB) regarding rights for persons with disabilities.

On November 13, representatives of several organizations of citizens with disabilities demonstrated in front of the Managua mayor's office and called for implementation of the budget for accessible public works projects. The demonstrators lamented the lack of government attention to such problems, but at year's end there was no reported execution of projects to create or improve accessibility for persons with disabilities.

Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

At year's end there was no information available, and none was expected, on the remaining three cases from 2007 regarding abuse of children with disabilities.

National/Racial/Ethnic Minorities.—Various indigenous and other ethnic groups from the RAAN and the RAAS attributed the lack of government resources devoted to the Atlantic coast to discriminatory attitudes toward the ethnic, racial, and religious minorities in those regions. In contrast to 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 the RAAS, along with 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 the Managua airport targeted them for extra security measures; that police stopped them to conduct illegal searches; and that while travelling through the RAAN and the RAAS, authorities frequently stopped and searched them but not Mestizo persons from the Pacific coast.

There was no information available on government efforts to address discrimination based on skin color, race, or ethnicity.

Indigenous People.—Indigenous persons constituted approximately 5 percent of the country's population and lived primarily in the RAAN and the RAAS. The five major identifiable indigenous groups—the Miskito, the Sumo, the Garifuna (of Afro-Amerindian origin), the Mayangna, and the Rama—alleged government discrimination through underrepresentation in the legislative branch. For instance, the RAAN and the RAAS had generally the same population as Leon and Masaya Departments but had only five representatives in the National Assembly, compared with 10 for the two departments.

Indigenous group members often lacked birth certificates, national identity cards, and land titles. Although they formed political groups, these often held little sway over politics and were ignored or used by major national parties to advance their own agendas. Most indigenous persons in rural areas lacked access to public services, 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. By year's end there continued to be no information available regarding any government action to meet the 2008 request, by the UN Committee on the Elimination of Racial Discrimination, to develop a national strategy to combat racism and forge a new relationship with indigenous and ethnic minority communities.

On March 20, a group of Creole citizens protested in front of the NNP station in Bluefields in response to the arrest and reported beating of Charles Sanders, who claimed that local business owners discriminated against him and harassed him because of his skin color and that local police responded to the incident and arrested and beat him. There were no developments in the case by year's end.

Human rights organizations and indigenous rights groups claimed that the Government failed to protect the civil and political rights of indigenous communities, including their rights to land, natural resources, and local autonomy. The PDDH reported receiving 26 complaints related to indigenous rights during the year.

There were no significant developments regarding the April 2009 declaration of independence from the central government by the Miskito Council of Elders in the RAAN.

Although the law requires that the Government consult with indigenous persons regarding the exploitation of their areas' resources, and give the indigenous population a percentage of profits, some indigenous communities continued to complain

that government authorities excluded indigenous persons in the RAAN and the RAAS 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. On August 27, the Government ratified the International Labor Organization (ILO) Indigenous and Tribal Peoples Convention of 1989 (No. 169), but there was no significant change in government behavior toward indigenous persons reported afterward.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—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. LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. In 2009 the human rights ombudsman created the position of a special prosecutor for sexual diversity to champion LGBT issues; the LGBT community generally regarded this position as ineffective and deficient in resources. It was difficult to measure trends, because LGBT human rights violations were underreported and often mischaracterized.

Although not authorized by the Government, during the year two gay pride events occurred in Managua. There were no reports of violence directed against these events.

Other Societal Violence or Discrimination.—The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services. However, persons with HIV/AIDS continued to suffer societal discrimination based on their alleged HIV/AIDS status. 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. Several NGOs worked to educate communities regarding HIV/AIDS discrimination.

Section 7. 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 MITRAB of their intention to organize a union. At year's end the Government and private business leaders estimated the national workforce at approximately 2.5 million. In general labor unions were allied with political parties.

In March 2009 anonymous CPC members sent death threats to Alvaro Leiva Sanchez, the leader of the Ministry of Transportation and Infrastructure and Democratic Federation of Public Service Employee unions, because of his public lobbying for improved labor rights on behalf of the employees he represented. He reported the threats to police, but by year's end there was no investigation because the police claimed a lack of evidence. The Ministry of Transportation and Infrastructure fired Leiva on September 30 without showing proper cause.

The constitution recognizes the right to strike, and the law allows unions to conduct their activities without government interference. However, there were reports of government interference in union activities. There were reports of illegal dissolution of unions not associated with the ruling FSLN party. The CPDH reported that since 2007 there have been 116 unions illegally disbanded by government ministries. 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 to arbitration. The ILO noted that this provision limits the right to strike and called for amendment of the law.

MITRAB often declared strikes illegal, even when workers followed legal strike procedures. Wildcat strikes were common, the most notable being among taxi drivers and other transportation workers. In November municipal employees in Leon conducted a strike, claiming violation of their right to back pay in accordance with their collective bargaining agreement. Although the workers claimed legal exercise of their right to strike, MITRAB declared the strike illegal and fined the union leaders eight days' salary.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively. A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. The Government protected these rights and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Com-

panies in disputes with their employees must negotiate with the employee union, if one exists. By law several unions may coexist at any one enterprise. The law permits management to sign separate collective bargaining agreements with each union operating at the enterprise.

The law establishes fines against employers who violate labor rights by engaging in antiunion discrimination, such as interfering with the formation of unions or strikebreaking. In practice many employers in the formal sector continued to violate worker rights with impunity by blacklisting or firing union members, or delaying payment of severance pay to fired workers. Employers also avoided legal penalties by organizing “white unions” (employer-led unions) for their employees, which lacked independence. Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws with impunity. The PDDH reported receiving 140 complaints related to labor problems.

Union leaders asserted that employers and union leaders who supported the Ortega administration continued to pressure workers affiliated with non-FSLN unions to resign and register with FSLN unions. Politically motivated firings of workers continued. According to the CPDH, since 2007, 21,000 public-sector employees were fired without just cause or due process of law. The CPDH reported that these firings were carried out for political reasons, such as refusal of the worker to join the FSLN or to participate in FSLN demonstrations.

Although employers must reinstate workers fired for union activity, MITRAB may not legally order employers to rehire fired workers; that requires a judicial 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 or pay the severance due to weak enforcement of the law.

Although the law establishes a labor court arbitration process, long waiting time and lengthy, complicated procedures detrimentally affected court-mediated solutions, and many labor disputes were reconciled outside of court. The ILO worked with the Government and labor leaders to reform this process and make it more accessible to employees in disputes. However, at year's end the Government had not presented ILO recommended reforms to the Labor Code to the National Assembly for legislation.

There are no special laws or exemptions from regular labor laws in the country's 41 export processing zones, also known as free trade zones (FTZs). Approximately 10 percent of the estimated 75,000 FTZ workers were union members. Because a high proportion of FTZ unions had fewer than 50 members, many lacked effective collective bargaining power. MITRAB generally conducted inspections of companies that operated in the FTZ's and issued fines where violations occurred.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred.

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 most recent available national survey of adolescent and child labor (2005) estimated that there were approximately 239,000 working children between five and 17 years old, of whom 36 percent were younger than 14 years of age. MITRAB reported conducting 205 special inspections into child labor.

The law establishes the minimum age for employment at 14 years and limits the workday for any child between 14 and 18 years of age to six hours and the workweek to 30 hours. Children between 14 and 16 years must have parental approval to work or to enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is also illegal for minors to work in places that MITRAB considers harmful to their health or safety, such as mines, garbage dumps, night-entertainment venues, and many agricultural sectors.

All employees older than age 14 must be enrolled in the national 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 those facilities. The Government did not provide adequate resources for MITRAB to enforce the law effectively, 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 and fishing. Children also worked in the production of sugarcane, crushed stone, and to a lesser extent in the production of bananas and tobacco. Child labor also occurred in cattle raising, dairy production, street sales, garbage-dump scavenging, and transport. According to the ILO's Inter-

national 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.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry faced polluted water and dangerous ocean conditions.

The Government continued activities to incorporate working adolescents into the formal workforce by transferring children above the legal working age from the worst forms of child labor into nondangerous jobs. NGOs offered vocational training to help adolescents develop job skills for FTZ factory employment. During the first six months of the year, MITRAB reported that it removed 64 child workers from employment in hazardous conditions.

MITRAB has in place a 10-year plan (2007-16), *La Hoja de Ruta*, to end child labor. Its execution by the National Commission for the Progressive Eradication of Child Labor and Adolescent Worker Protection (CNEPTI) requires all government programs to include child-labor prevention and eradication initiatives. However, the organizations that comprised CNEPTI have not convened since September 2009, and most NGOs considered CNEPTI ineffective. The Government continued its Programa Amor, which had a primary goal of eradicating child labor by reintegrating abandoned children into society; however, information on specific activities, funding, and effectiveness remained unavailable. *La Prensa* reported there was no concrete evidence that Programa Amor objectives were being reached (see section 6, Children).

e. Acceptable Conditions of Work.—The national minimum wage law establishes statutory minimum wages for nine different economic sectors. It is calculated differently for each sector, and the average was 2,635 cordobas (approximately \$120) a month. An increase of 6 percent was implemented in August; however, the minimum wage was generally enforced only in the formal sector and was thus applicable only to approximately one-third of the working population. Several labor NGOs reported that the minimum wage did not cover the cost of inflation or provide a decent standard of living for a worker and family.

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 law mandates the creation of regional offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation and for 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. During the first eight months of the year, MITRAB conducted 2,097 health and safety inspections and 1,205 workplace accidents were reported, including one registered death. No end-of-year statistics were made available.

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 due to the lack of government dissemination of information.

PANAMA

Panama is a multiparty constitutional democracy with an estimated population of 3.4 million. In May 2009 voters chose Ricardo A. Martinelli Berrocal as president in national elections considered generally free and fair by international and domestic observers. Security forces reported to civilian authorities.

Human rights problems included the use of excessive force by police during protests, which was investigated; harsh prison conditions; prolonged pretrial detention; corruption, ineffectiveness, and alleged political manipulation of the judicial system; political pressure on the media; corruption in the executive and legislative branches as well as in the security forces; discrimination and violence against women; trafficking in persons; substantial discrimination against individuals with disabilities; continued marginalized participation of indigenous communities in decisions that affected them; widespread societal and employment discrimination against indigenous

persons; societal discrimination based on sexual orientation and gender identity; discrimination against persons with HIV/AIDS; and violation of some 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 politically motivated killings; however, on July 9, workers Antonio Smith and Fernan Castillo died in Changuinola, Bocas del Toro Province, during violence associated with protests over a controversial, multifaceted law (Law 30) and with security-force actions. On July 10, the UN High Commissioner for Human Rights (UNCHR) regional representative reminded the Government that “the use of force and firearms by officers responsible for upholding the law must be restricted and exceptional.” Mid-July initial reports by the nongovernmental organization (NGO) Human Rights Everywhere and the Office of the Ombudsman signaled that the failure by police to adhere to basic regulations for controlling protesters was a factor contributing to the killings.

A government-appointed independent investigatory commission reported in October that the July 9 violence injured 772 individuals (two were permanently blinded and more than 50 suffered some vision loss), including 56 police officers. The report attributed the two confirmed deaths to shootings from a distance of less than 16 yards and attributed two other deaths (Ruben Marbin Becker Abrego and Liandro Santos Breabu) to an inability to transport persons injured by police tear gas to a hospital. There were no arrests by year’s end, and authorities were investigating other deaths to determine whether they were also attributable to police actions.

In continuing investigations of 47 cases of killing or disappearance during the 1968-89 military regime, cases were under consideration or underway at year’s end.

There were no known developments in investigations the attorney general opened in 2008 regarding the alleged killings in 1982-83 of more than 20 persons reportedly thrown from helicopters.

In December the Supreme Court acceded to the 2009 request by the Attorney General’s Office and the prosecutor to try former minister of government and justice Daniel Delgado for a 1971 killing. By year’s end a court date was not set.

b. Disappearance.—There were no reports of politically motivated disappearances. However, during the mid-July violence in Bocas del Toro Province (see section 1.a.), Valentin Palacios reportedly disappeared. On August 15, he reappeared in good health at a hospital in Almirante, Bocas del Toro Province, but an explanation for his disappearance remained unclear at year’s end.

Contractual and procedural issues continued to delay the DNA testing of the remains of four persons, including disappeared priest Hector Gallego, that were sent abroad in 2008 and for whose testing the Public Ministry requested permission from family members in 2009. In July President Martinelli announced funding to help conduct DNA tests abroad on the remains located at the Legal Medical Institute of approximately 30 other individuals believed disappeared during the military regime, but as of year’s end no funds were disbursed.

In April the Second Superior Court agreed to try former National Guard members Melbourne Walker, Manuel Antonio Noriega, Moises Correa, Pablo Garrido, Lucino Miranda, Pedro del Cid, Gabriel Correa, and Aquilino Sieiro for the disappearance and killing of Heliodoro Portugal in 1970 during the military dictatorship (see section 1.e., Regional Human Rights Court Decisions).

In March the Prosecutor’s Office opened an investigation of Panamanian National Police (PNP) Director Gustavo Perez de la Ossa for alleged human rights abuses during a 1989 military operation. Specifically, media reports claimed that the Defense Force dishonorably discharged then lieutenant Perez de la Ossa in 1990 for having participated the previous year in taking foreign civilians hostage to exchange them for Panama’s military personnel captured during a foreign invasion of the country. The media reports had not been confirmed by year’s end, and the investigation remained open.

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.

As of September the PNP Directorate of Professional Responsibility (DRP) had not opened any cases alleging abuse of prison inmates by prison guards, compared with two such investigations in 2009 (both of which remained open at year’s end).

There were no known developments in the case of two persons in custody and charged with involvement in the 2007 killing of an inmate and the injuring of another in the Basilio Lakas detention facility, and none were expected.

Prison and Detention Center Conditions.—The Ministry of Government (formerly the Ministry of Government and Justice) oversees all prisons in the country. Prison conditions remained harsh and, in some cases, life threatening. Problems included overcrowding, use of police stations as detention facilities, and failure to separate inmates according to the type or severity of their alleged crimes. Additionally, there was little ventilation or lighting. One of the main prisoner complaints was the lack of access to medical care.

As of September the prison system, with an official capacity of 7,187 persons, held 12,293 prisoners. Pretrial detainees shared cells with convicted prisoners due to space constraints. In September the Government released 388 inmates who had served two-thirds of their sentences in an attempt to alleviate overcrowding.

Prison medical care was inadequate. HIV/AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population. Only 14 physicians served the entire prison system, and they worked limited morning hours. A 60-bed clinic, opened at La Joyita Prison in 2008, remained unused due to the lack of guards to watch ill detainees; authorities transferred patients to public clinics instead.

PNP officers provided perimeter security at all prisons but generally lacked training for prison duty. At La Joya and La Joyita prisons, PNP officers also provided internal security, although civilian custodians were also present. In all prisons, inmates complained of limited time outside cells and limited access to family visits. Small jails attached to local police stations 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.

Female and male prisoners were held separately. Although prison conditions for women were generally better than those for men, they remained characterized by overcrowding, poor medical care, and lack of basic supplies for personal hygiene.

Juvenile pretrial and custodial detention centers throughout the country did not have resources to provide education or adequate supervision and suffered from overcrowding and poor conditions. The main male facility in the country, in Panama City, held more than twice the number of detainees for which it was designed, and a diplomatic representative observed inhumane conditions there during an October visit. Lack of funding led to cancellation of virtually all rehabilitative (workshops and job-training programs) and recreational activities; that and a severe shortage of custodial guards resulted in the majority of detainees spending nearly all their time in cells.

The Ombudsman's Office intervened in cases involving the prison system by negotiating and petitioning on behalf of prisoners and receiving complaints about prison conditions. The office reportedly received six complaints by prisoners during the year: one for verbal abuse by a PNP prison guard, four for physical abuse by PNP officers in the course of prisoner detention, and one for physical abuse by a civilian custodian. One of the four physical-abuse cases was under investigation by the Public Ministry at year's end.

Prisoners were able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, but authorities did not document the results of such investigations in a publicly accessible manner. The Government investigated and monitored prison and detention center conditions.

The Ombudsman's Office conducted weekly prison visits, and the Government generally did not monitor its meetings with prisoners. However, authorities repeatedly denied access to human rights organizations, particularly after one organization filed two lawsuits against the Ministry of Government on behalf of prisoners. By year's end the lawsuit regarding a lack of potable water was pending, while the court had dismissed the lawsuit about a lack of access to fresh air and sunlight. Prisoners at some facilities had reasonable access to visitors and were permitted religious observance; however, this was not the situation at high-security facilities, such as La Joya and La Joyita, where prisoners had very little time outside their cells.

An ombudsman may serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; to address the status and circumstances of the confinement of juvenile offenders; and to improve pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

Ground was broken in August for a new mega-prison that would hold 5,500 male and female prisoners in separate facilities. During a mid-November prison reform conference, Minister of Government Roxanna Mendez announced that the mega-

prison plan had been modified to set out four separate facilities. More than 160 new corrections officers were hired during the year, although 38 reportedly resigned due to a low monthly salary of 400 balboas (\$400).

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.

On July 10, media reported that authorities arrested at least 50 union leaders and members of civil society in Panama City as they emerged from a meeting at Hotel Soloy during which they had agreed to launch a national strike to protest Law 30. Authorities also issued arrest warrants for 17 union leaders and a former presidential candidate who participated in the meeting. Authorities released those arrested that same day and lifted the arrest warrants on July 13 without taking any further legal action.

Role of the Police and Security Apparatus.—Civilian authorities in the new Ministry of Public Security (formed on April 1 from the Ministry of Government and Justice) maintained effective control over all police, investigative, border, air, and maritime forces in the country, which has no regular military forces. The PNP remains responsible for internal law enforcement and public order. The Government has effective mechanisms to investigate and punish abuse and corruption, and there were no reports of impunity involving security forces during the year.

Law 18 includes guidelines for the use of force, including deadly force; requires that police respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhumane or degrading behavior. On October 24, the National Assembly modified Law 18 so that, in its changed form as Law 74, police accused of using excessive force may not be detained prior to trial, suspended, nor face other internal discipline unless and until convicted.

From January to September, the PNP's DRP opened 1,040 disciplinary proceedings against police, including 145 for inappropriate conduct, 12 for physical aggression, and 220 for abuse of authority. Also as of September, there were 80 incidents reported of domestic violence by police. Through September the Ombudsman's Office received 37 complaints against police for abuse of authority. Investigations in most of these cases were ongoing at year's end, although authorities dismissed 50 PNP officers and placed many others on "semipermanent vacation."

In September a jury found two PNP agents not guilty of killing a construction worker during a 2007 demonstration against poor labor conditions.

Arrest Procedures and Treatment While in Detention.—Police generally apprehended persons openly and did not practice arbitrary or secret arrest and detention. 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. The law provides for bail, and a functioning bail system exists for a limited number of crimes. Detainees were allowed prompt access to legal counsel and family members, and the Government provided indigent defendants with a lawyer.

The law prohibits police from detaining suspects for more than 48 hours without judicial authorization but permits detention of minors for 72 hours. By law the preliminary-investigation phase of detention 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. However, in practice inmates were regularly imprisoned for more than a year before a judge's pretrial hearing, and their pretrial detention exceeded the maximum sentence for the alleged crime. Such extended pretrial detention continued to be a serious problem, largely due to judicial inefficiency and the use of a written inquisitorial system. According to government statistics, as of August, 63 percent of prisoners were pretrial detainees. In Veraguas Province, courts initiated a system that greatly decreased case backlog in preparation for introduction of the accusatorial system.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judicial system was susceptible to corruption and outside influence and there were allegations of manipulation by other government branches.

The Directorate of Judicial Investigation, under PNP administrative control, provides investigative services to the judicial system.

In August the attorney general was officially removed from office after a trial for "abuse of authority" that human rights groups claimed was politically motivated.

At the local level, mayors appoint "corregidores" (administrative judges), who exercise jurisdiction over minor civil cases and 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 had no legal training or other pertinent expertise. In actuality appeal procedures were generally nonexistent. Affluent defendants often paid fines while poorer defendants were incarcerated.

Trial Procedures.—The law provides that all citizens charged with crimes enjoy a presumption of innocence and have rights to counsel, 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 proceedings.

In August 2009 the Government postponed until September 2011 implementation of a new Code of Criminal Procedure designed to transition from an inquisitorial to an accusatory system of justice. The Government budget contained 38 million balboas (\$38 million) for implementation.

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 amplifying 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 may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to relevant government-held evidence. Defendants have a right of appeal. The law extends these rights to all citizens, and the judiciary generally enforced them.

The law obliges the Government to provide public defenders for the indigent, and an estimated 70 percent of inmates used them. Many public defenders, however, were appointed late in an investigation, after the prosecutor had evaluated most evidence and decided to recommend trial. Public-defender caseloads remained very high, averaging 395 cases per attorney per year. The court system has maintained a backlog of approximately 45 percent of cases since 2004, which was also a large contributing factor to prison overcrowding.

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

Regional Human Rights Court Decisions.—In its May 28 order in the case concerning the disappearance of Heliodoro Portugal, the Inter-American Court of Human Rights ruled that the Government fully complied with requirements for widespread circulation of the 2008 court judgment, for payment of damages (254,000 balboas (\$254,000)) and costs, and for public acknowledgement of the Government's responsibilities. Compliance remained pending at year's end with requirements for immediate medical and psychological care of Portugal family members, for enactment within a reasonable time of legal definitions of the offenses of forced disappearance and torture, and for investigation of the Portugal disappearance plus prosecution and punishment of those responsible. In April judicial authorities agreed to try the eight former National Guard members allegedly involved in the disappearance and killing of Portugal (see section 1.b.).

Civil Judicial Procedures and Remedies.—The constitution and the judicial code establish an independent judiciary in civil matters. Alleged political manipulation of the judicial system remained a problem, and bureaucratic delay hindered access to judicial and administrative remedies for human rights violations. Problems continued in enforcement of domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions; however, there were complaints that in some cases law-enforcement authorities failed to follow legal requirements and conducted unauthorized searches. The Public Ministry maintained representatives in each PNP division to approve searches, and they approved numerous searches during the year.

The law also sets forth requirements for conducting wiretap surveillance. It denies prosecutors authority to order wiretaps on their own and requires judicial oversight. During the year several citizens claimed to have been wiretapping targets after making statements critical of the Government, but there was no confirmation.

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 individuals generally enjoyed freedom of expression. However, during the year the Government used a variety of means to impede freedom of expression and attempt to silence criticism of its actions.

The independent media were active and expressed a variety of views without restriction. The law prohibits newspapers from holding radio and television concessions and vice versa. International media operated freely in the country.

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 brought by officials of the former government remained pending against many journalists. The Inter-American Commission on Human Rights (IACHR), the Inter-American Press Association (IAPA), the NGO Reporters without Borders, and other groups criticized these measures as efforts to censor the press.

The law allows prosecution of journalists for vague charges related to exposing private information and documents, even those deemed of public interest. The law also permits prosecution of journalists for publishing information restricted on national security grounds. NGOs asserted that these provisions threatened freedom of speech and press.

Journalists alleged that members of the Government, including President Martinelli and Secretary of Communication Alfredo Prieto, telephoned them to complain about stories printed or aired concerning the Government. Journalists asserted that those calls had a chilling effect, especially on reporters, resulting in frequent self-censorship. There was at least one report of threats against a leading journalist by a member of the Government.

In May the director of *El Siglo* newspaper, Jean Marcel Chery, filed a complaint with the IACHR that alleged the Government had launched a campaign of intimidation after *El Siglo* ran a story on government failure to collect garbage in poor Panama City neighborhoods. Transcripts of text messages between Chery and Communications Secretary Prieto were published. In the complaint Chery also accused Prieto of having commentators attack him on Prieto's privately owned television station. The IACHR was evaluating the complaint at year's end.

Also in May the Supreme Court of Justice fined the national newspaper of record, *La Prensa*, 300,000 balboas (\$300,000) for "moral damages" after it reported the 2005 firing and subsequent reinstatement of a prosecutor. The story had been covered by six other papers, none of which were cited in the damages suit. Leading journalists condemned the ruling as "absurd" and warned of intimidation. *La Prensa's* appeal was pending at year's end.

In July a group of leading media figures met with the president and complained about the Government's behavior toward journalists.

In early July authorities detained *La Prensa* journalist Paco Gomez Nadal, a foreign national with a valid permit to work in the country who was also a human rights activist from the NGO Human Rights Everywhere and an editorial adviser and contributor to foreign publications, as he attempted to board a flight to another country. In the ensuing controversy, the Government made several contradictory public claims about its reasons, all involving alleged tax and immigration irregularities; reportedly told him that he could leave if he promised not to return; but released him after several hours. At year's end he continued to reside in the country and publish his articles critical of the Government.

Controversy continued regarding the decriminalization of defamation and slander. In late September Acting Attorney General Giuseppe Bonissi filed an opinion with the Supreme Court that stated the 2008 reform that decriminalized defamation or slander of high-ranking public officials was unconstitutional. On the other hand, many civil society groups advocated even broader decriminalization of slander.

Also in late September, the Second Superior Court convicted television journalists Sabrina Bacal and Justino Gonzalez of criminal slander, banned them from professional work for one year, and ordered them each to pay a fine of 3,650 balboas (\$3,650) or serve one year in prison—notwithstanding that two lower courts had dismissed the same charges earlier in the year. The appellate court's decision sparked protests and public criticism of the Government over its possible lack of compliance with international standards regarding freedom of expression. In early October the Ethics Committee of the National Council for Journalism requested that the Inter-American Court of Human Rights review the case. However, since there were case-related constitutional issues awaiting a Supreme Court decision, the Inter-American Court had not accepted the case by year's end. Meanwhile, on October 7, a full pardon of both journalists by President Martinelli took effect.

In mid-November Guillermo Adames, president of the National Council for Journalism, claimed that the Government retaliated for his criticism of its policy toward freedom of expression by sending tax inspectors to his radio station, Omega Stereo. The council shortly thereafter declared a "permanent state of alert" because of what it described as a "government attack against freedom of speech."

In April 2009 a judge sentenced the director of *El Siglo*, Jean Marcel Chery, and two journalists to two years in prison for trespassing while reporting in 2001 on corruption allegedly involving Supreme Court Justice Winston Spadafora. Local journalists and the IAPA criticized the judgment as judicial harassment. Chery appealed, but the court upheld the earlier ruling. At year's end the case remained at the Superior Court level without a final judgment. However, since the law requires commutation of prison sentences into fines in all cases where the final ruling has not been made within two years, Chery and the two journalists were not imprisoned.

The appeal by *La Prensa*'s Rafael Berrocal of a September 2009 conviction for calumny and libel against a former vice president of the country, since deceased, remained pending at year's end. The court had sentenced Berrocal to 200 days in prison or a fine of 400 balboas (\$400).

The impact of the 2008 Supreme Court ruling that overturned former president Moscoso's pardons of several journalists convicted of libel remained uncertain at year's end, because the court returned the cases to their "original state," which required clarification. Meanwhile, in October police detained one of the journalists, due to a criminal slander case pending from 2001, but released him the same day.

At year's end an appeal remained pending of a 2008 judicial order seizing the assets of the newspaper *El Periodico*, which subsequently went out of business.

In June journalist Carlos Nunez Lopez served 18 days of a one-year sentence in prison in connection with a 2007 criminal conviction for defaming a property owner in a 2004 *La Cronica* story about environmental damage in Bocas del Toro Province.

Internet Freedom.—There were no government restrictions on access to the Internet, but there were anecdotal reports that the Government monitored private e-mails. In a few cases, law-enforcement monitoring of suspects' computers led to arrests for sex crimes. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that 28 percent of inhabitants used the Internet in 2009, an increase of 5 percent from 2008.

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 freedoms of assembly and association, and the Government generally respected these rights in practice. The law also states that anyone who, through use of violence, impedes the transit of vehicles on public roads or causes damage to public or private property may be sentenced to imprisonment for six to 24 months.

Several labor leaders claimed that they received anonymous threatening phone calls due to their participation in meetings held abroad on July 20 with foreign officials and legislators to discuss concerns related to Law 30 and a pending bilateral free trade agreement.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 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 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; however, it restricted the freedom of movement of Colombian nationals living in the region bordering Colombia under the THP regime, who could only leave those locations with special temporary 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, and the Government has established a system for providing protection to refugees. The 1998 Executive Decree 23 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' THP status to "displaced persons" in the case of a large influx; in actuality the Government did not enforce the two-month time limit. A Colombian THP group has continued to live in the Darien region for 14 years, notwithstanding a 2008 law that, until November 9, 2010, provided a legal mechanism by which all those persons under refugee status

who had been in the country for 10 years or more were enabled to apply for permanent residence.

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 account of their race, religion, nationality, membership in a particular social group, or political opinion. At times, however, border officials and authorities 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 return to countries where their lives or freedom could be threatened.

Authorities did not provide asylum seekers and refugees with documentation in a timely fashion, and the documents provided 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, but the Government did not permit displaced Colombians to work or move outside of their assigned villages.

There were approximately 1,213 recognized refugees in the country. During the year 454 persons approached the Government seeking refugee status, according to ONPAR. The law requires that the Government's National Commission for the Protection of Refugees, convened by ONPAR, meet at least once every three months to determine the status of persons seeking refugee status. The commission met four times during the year, reviewed 140 cases, and granted refugee status to 13 persons. Local NGOs claimed that the Government arbitrarily denied admission to the refugee-status determination process and often refused asylum-seeker requests on the basis that they failed to prove past persecution or a well-founded fear of future persecution.

For most of the year, the law enacted in 2008 allowed persons who had been recognized as refugees for 10 years or more to apply for permanent residence. By November 9, when that law expired, 300 applicants had requested this status, and the Government had approved 277 such cases.

Persons under THP included 899 displaced persons, mainly of Afro-Colombian heritage, and 289 of their dependents, some of whom were citizens born in Panama of marriages between displaced Colombians and Panamanian citizens. Seventy individuals were from the Embera indigenous group.

The Government reported an increase in migration of persons from outside the region, primarily from Asia and East Africa, who transited the country en route to North America. The Government regularly detained undocumented migrants from this population and provided those individuals who requested international protection with access to the asylum process; however, nearly all such individuals abandoned their applications and continued on their migration route before a refugee-status determination was completed. The UNHCR estimated that 70 such persons applied for asylum during the year.

The UNHCR classified approximately 15,000 persons living in the country as "persons of concern" in need of 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. 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 THP.

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 specified categories of elective office.

Elections and Political Participation.—In May 2009 voters chose Ricardo A. Martinelli Berrocal, the opposition Alliance for Change candidate, as president in national elections considered generally free and fair by independent observers. More than two million citizens voted in elections for president, vice president, legislators, mayors, and local representatives, including citizens residing overseas who had registered via the Internet and voted by mail-in ballot.

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 presidency and National Assembly, provides for the autonomy of the National Electoral Tribunal, and limits the immunity of represent-

atives in the National Assembly by permitting the Supreme Court to prosecute criminal cases against representatives.

On October 24, the National Electoral Tribunal organized, regulated, and monitored the Ngobe-Bugle community's elections of local, regional, and general congress delegates. The elections were controversial (community leaders claimed the tribunal sought to deprive them of their autonomy), community leaders encouraged a boycott, and participation was only 20 to 30 percent of registered voters. NGO Human Rights Everywhere observers described the elections as "confusing" and ill-timed and recommended consultations between the tribunal and traditional authorities to resolve matters. Although the Ngobe-Bugle community stated they would not validate the election results, their elected officials did receive and accept credentials from the Government.

Women held six seats in the 71-member legislature and five places in the 17-member cabinet.

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 did not identify themselves as members of ethnic or racial minorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government sometimes implemented these laws. However, there were also instances when government officials engaged in corrupt practices with impunity. Corruption remained a problem in the executive, judicial, and legislative branches as well as in the security forces, and World Bank indicators reflected that evaluation. Anticorruption mechanisms such as asset forfeiture, whistleblower and witness protection, plea bargaining, and conflict-of-interest rules existed.

Corruption among police officers continued to be a problem, although the Ministry of Public Security (MSP) improved accountability within the security services. The PNP worked with the MSP to reform the Directorate of Professional Responsibility (DRP) to create a more transparent method for handling traditional internal affairs problems for all security services. Proposed changes included incorporation of a semi-independent civilian staff to monitor DRP investigations. The MSP opened three cases against PNP officers for embezzlement and one for corruption during the year, all of which continued under investigation at year's end.

In July authorities fired a number of senior National Aero-Naval Service officers and several senior PNP officers, reportedly due to involvement in narcotics-related crime.

In September authorities opened an investigation into allegations of high-level immigration officials involved in a ring smuggling Chinese citizens. Several officials were fired, and several more remained under investigation at year's end.

Although the law provides for judicial appointments through a merit-based system, civil-society groups maintained that political influence and undue interference by higher-level judges undermined the system. In midyear a commission formed by civil-society members and members of the judiciary began meeting to discuss legislative changes that would address this issue, but by year's end there were no known developments.

In February authorities released former minister of education Belgis Castro on bail of 150,000 balboas (\$150,000) while August 2009 charges of embezzlement concerning contracts awaited adjudication.

In the case of six Ministry of Education employees charged in 2008 with embezzling 1.5 million balboas (\$1.5 million), the Third Criminal Court of the Special District of San Miguelito postponed the May 5 preliminary hearing, returned the file to the First Anticorruption Prosecutor's Office for expansion, and did not set a new hearing date.

Despite the Government-instituted Internet-based procurement system that required publication of all proposed government purchases, evaluations of proposals, monitoring of the procurement process, and advance public notice of intended procurement, there were many reports of government purchases made via direct contracts that circumvented the system during the year. The media reported up to one billion balboas (\$1 billion) in approximately 1,300 direct contracts.

Public officials were subject to financial disclosure laws, but this information was reported to the Government and not the public.

The transparency law provides public access to information from and about public entities with the exception of cabinet meeting minutes. In practice the Government was not always forthcoming in response to information requests, obliging journalists to resort to legal remedies. When denying requests, authorities generally provided

the rationale for the denials. Requesters may appeal access decisions to the Supreme Court.

Section 5. 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 ombudsman, elected by the National Assembly, had moral but not legal authority, enjoyed the Government's cooperation, and operated without government or party interference. Between January and September, the Ombudsman Office received 578 complaints. During the year the office issued reports on the violence associated with protests in Bocas del Toro Province (see section 1.a.) and on environmental contamination and prison conditions, with recommendations to which the Government had not responded by year's end.

In accordance with an October 2009 law to improve legislative efficiency, the National Assembly merged its Human Rights Committee with the Government Affairs Committee. At year's end an effort was underway to re-separate the committees.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but the Government allegedly did not enforce these prohibitions effectively.

Women.—The law criminalizes rape, including spousal rape, with prison terms of five to 10 years and eight to 10 years under aggravating circumstances (use of a weapon), and the Government enforced the law effectively. Rapes constituted the majority of sexual crimes investigated by the PNP, and its Directorate of Judicial Investigation reported 481 cases of rape in the context of domestic violence for the period January to September.

Domestic violence against women continued to be a serious problem, and the number of reported cases increased during the year. Although the law criminalizes domestic abuse and family violence with prison terms of two to four years and makes domestic violence an aggravating circumstance in homicide cases, there were few convictions for domestic violence, except for killing in the course of domestic abuse. In October the NGO Queen Sofia Center reported a high rate of domestic femicide in the country. The PNP's Directorate of Judicial Investigation reported 2,397 cases of domestic violence for the period January to June, and 46 women died as a result of domestic violence during the period January to October.

The Government-operated shelter in Panama City for victims of domestic abuse—the only one in the country—offered social, psychological, medical, and legal services.

The law prohibits sexual harassment in cases of established employer/employee relations in the private sector and in teacher/student relations; violators face 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.

Couples and individuals had the right to decide the number, spacing, and timing of their children, and had the information and means to do so free from discrimination. The UN estimated the country's maternal mortality ratio in 2008 as 71 deaths per 100,000 live births. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available, except in comarcas (provincial-level indigenous regions), where it was limited, according to the American Red Cross. The law limits sterilization to women who are 33 years of age or older, have at least five children, and are of a low socioeconomic level (undefined). Various groups considered the law discriminatory, and legislation remained pending at year's end that would allow women to seek sterilization regardless of age or number of children but not regardless of socioeconomic level. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

The law prohibits discrimination on the basis of gender, and women enjoyed the same rights as men under family, property, and criminal law. The law recognizes joint or common property in marriages, but the Government did not enforce the law effectively.

The law mandates equal pay for men and women in equivalent jobs, but according to a 2010 World Economic Forum survey, women received approximately 41 percent less on average than men for comparable work. The Ministry of Social Development

(MIDES), through the National Institute 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.—Although the law provides that citizenship is derived by birth within the country's territory, children in remote areas sometimes had difficulty in obtaining birth registration certificates.

MIDES received complaints regarding physical abuse of children. The ministry maintained a free hotline for children and adults to report abuses and advertised it widely. From January to the beginning of December, the hotline received 1,781 calls reporting child abuse (242 other cases were reported in person at one of the Integral Guidance and Attention Centers), 294 reports of abandonment, and 581 reports of neglect. The ministry provided funding to children's shelters operated by NGOs in seven provinces and continued a program that used pamphlets in schools to sensitize teachers, children, and parents about mistreatment and sexual abuse of children. The independent National Secretariat for Children, Adolescents, and the Family (SENNAF) was created to coordinate, execute, and follow-up all policies designed to protect the rights of children and adolescents.

Lack of reporting on sexual exploitation of minors remained a problem, often because of parental involvement or complicity. Sexual abuse of children was reported in both urban and rural areas, as well as within indigenous communities.

The law prohibits consensual sex with a girl aged 14 to 18 and provides for one to three years' imprisonment; when the child is younger than 14, the sanction is four to 10 years' imprisonment. The law provides for three- to five-year prison terms for anyone who practices, facilitates, or promotes the corruption of a minor and also criminalizes child pornography, for which it also provides the same imprisonment penalty.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance with that convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport-4308.html>.

Anti-Semitism.—There was a Jewish population of approximately 10,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination based on physical or mental disability; however, the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. In practice persons with disabilities experienced substantial discrimination in employment, education, access to health care, and the provision of other state services. Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for children with special needs. The Government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with special needs.

On August 2, the National Assembly passed a law mandating that the National Electoral Tribunal register citizen disabilities as well as blood type and allergies on the citizen identification card to be able to deal with situations in which an individual collapses or loses consciousness. The law also requires the National Transportation Authority to include the same information on individual driver's licenses.

The National Secretariat for the Social Integration of Persons with Disabilities is the Government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities.

MIDES opened a new educational resource center for blind children—the first of its kind in the country—in September to provide access to books, maps, and other documents in Braille. In October the ministry also translated into Braille a guide to the Labor Code so that blind workers could read about their labor rights. The law provides that a minimum of 2 percent of workers at a given company should be persons with disabilities, with the Ministry of Labor and Labor Development (MITRADEL) responsible for placing workers with disabilities in suitable jobs; however, in practice placement remained difficult. During the period January to July, the Ombudsman's Office received 26 complaints of government violations involving the labor rights of persons with disabilities; information was not available on the resolution of those complaints.

In October the Social Security Administration announced a new system enabling deaf patients to make medical appointments via the Internet.

The Government disbursed 50 balboas (\$50) monthly and donated rehabilitation equipment to low-income persons with disabilities.

National/Racial/Ethnic Minorities.—Minority groups have generally been integrated into mainstream society, but problems continued with negative attitudes among all ethnic communities toward members not belonging to their particular group. Prejudice was directed at recent immigrants; cultural and language differences and immigrant status hindered integration into mainstream society by immigrant and first-generation individuals from China, India, and the Middle East. Additionally, some members of these communities were themselves reluctant to integrate into mainstream society. Members of 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.

The Afro-Panamanian community continued to be underrepresented in positions of political and economic power, and many blacks remained clustered in the economically depressed areas of Colon Province and Panama City. These areas conspicuously lacked government services and social-sector investment. Prejudice toward blacks was generally subtle, taking the form of unofficial "right-of-admission" policies at restaurants and commercial establishments that discriminated against darker-skinned individuals or those of lower social status.

The law prohibits discrimination regarding entry to public or commercial establishments; however, cases of discrimination were difficult to prove in practice, and legal remedies, difficult to obtain.

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 businesses discriminated against citizens with darker skin through preferential hiring practices. Employers often required job applicants to submit photographs with their resumes, which the employers used to discriminate against persons based on appearance.

Indigenous People.—The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the Government to provide bilingual literacy programs in indigenous communities. Indigenous individuals have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation and exploitation of natural resources. However, in practice their participation continued to be marginalized, and conflict emerged when the internal regulations of indigenous groups conflicted with the country's laws or constitution (see section 3, Elections and Political Participation). There were legally designated comarcas governed by traditional community leaders for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna communities. The Government did not recognize comarcas for the Bri-Bri and Naso communities.

The Ministry of Government maintained an Office of Indigenous Policy. Although the country's law is the ultimate authority on indigenous reserves, local groups maintained considerable autonomy. For example, the Government recognized traditional Kuna marriage rites as the equivalent of a civil ceremony.

Many indigenous persons misunderstood their rights and failed to employ legal channels when threatened, because they did not have an adequate command of the Spanish language. Outside-settler encroachment continued to threaten indigenous comarcas, which were not well demarcated.

On June 3, the Naso community petitioned the IACHR for urgent interim measures to protect the integrity of its land and to open negotiations with the Government on economic development projects. The community claimed discrimination, because the Government refused to recognize its territorial rights, and irreparable damage, because hydropower projects were being implemented. By year's end there was no further information available on this situation.

In July a Compliance Advisor Office ombudsman team from the International Finance Corporation of the World Bank Group visited the country and obtained key-stakeholder agreement to address Chiriqui Province community-organization concerns about the Pando Montelirio hydroelectric power plant project through a facilitated dialogue process. The social and environmental concerns listed in the community organizations' complaint filed on January 27 included lack of a participative consultative process and endangerment of local communities, fish and water resources, plants, and the natural landscape.

On May 28, the Inter-American Court of Human Rights denied the IACHR's January 19 request for provisional measures in the case of four Ngobe-Bugle commu-

nities (Charco La Pava, Valle del Rey, Guayabal, and Changuinola Arriba) that in 2008 had initiated proceedings before the IACHR concerning the Government's issuance of concessions for the exploration and exploitation of natural resources along the Changuinola River, Bocas del Toro Province. The court took the opportunity to note that a crucial factor for IACHR consideration was whether the restriction of community property rights implied denial of traditions and customs in a way that endangered group subsistence and also to note the obligation of governments to guarantee community participation in consultations in good faith through culturally adequate procedures. At year's end IACHR consideration continued.

Societal and employment discrimination against indigenous persons was widespread. Employers frequently did not afford indigenous workers basic rights provided by law, such as a minimum wage, social security benefits, termination pay, and job security, and MITRADEL conducted limited oversight of working conditions in remote areas due to limited staff. Laborers in the country's sugar, coffee, and banana plantations (the majority of whom were indigenous persons) continued to work in overcrowded and unsanitary conditions. Employers were less likely to provide quality housing or food to indigenous migrant laborers, and their children were much more likely to work long hours of heavy farm labor than nonindigenous children (see section 7.d.).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not prohibit discrimination based on sexual orientation.

There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The PNP's regulations describe homosexual conduct as a "grave fault."

In July the advocacy group New Men and Women of Panama issued a report that documented incidents between April and June of discrimination against lesbians involved in child-custody cases and of PNP agents who refused to aid a stabbed transsexual who was a minor or take him to the hospital. No known investigations were pending at year's end.

In June the advocacy group organized an annual gay pride parade that the Government authorized. There was no police protection for parade participants, but no incidents were reported.

Other Societal Violence or Discrimination.—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. The only local NGO dedicated to HIV/AIDS patients, the Foundation for the Welfare and Dignity of People Affected by HIV/AIDS (PROBIDSIDA), received a government subsidy to help defray its payroll and mortgage expenses. During the year PROBIDSIDA inaugurated its first clinical laboratory for conducting AIDS diagnostic tests. Pregnant women and teenagers were tested there at no cost, while others paid a nominal fee.

Section 7. Worker Rights

a. The Right of Association.—The law recognizes the right of private-sector workers to form and join unions of their choice, subject to the union's registration with the Government. The law requires a minimum of 40 persons to form a private-sector union (either by company across trades or by trade across companies) but permits only one trade union per business establishment. The ILO Committee of Experts (COE) continued to criticize both provisions as violations of worker rights to organize, stating that the 40-person minimum was too high when workers want to form a union within a company. The Government, private sector, and unions supported keeping the figure at 40 individuals.

The constitution requires Panamanian citizenship to serve on a trade union executive board. The ILO observed that this requirement could deprive some workers of the right to elect their representatives in full freedom and noted, for example, that migrant workers could be adversely affected in sectors in which they accounted for a significant share of the membership. According to labor officials, approximately 17 percent of the workforce was unionized.

The law provides that if the Government does not respond to a registration application within 15 days, the union automatically gains legal recognition; however, union officials 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 law prohibits public servants from forming unions but allows them to form associations that may bargain collectively on behalf of members. However, the law

stipulates that there may not be more than one association in a public-sector institution and that, while associations may have provincial or regional chapters, no more than one chapter per province is permitted. The ILO noted that these provisions should be amended. Member associations represent public-sector workers, such as doctors, nurses, firefighters, and administrative staff in government ministries. A 2009 law raised the minimum number of public servants required to form a worker's association from 40 to 50—a level considered too high by the ILO COE.

Workers exercised their right to conduct their activities without government interference, including the right to strike. However, union leaders expressed concerns about government actions, such as auditing union budgets, which they characterized as intimidation.

The law provides private-sector workers with the right to strike but requires that the strike be supported by a majority of employees. The law prohibits strikes that are unrelated to a collective bargaining agreement. In practice and in law, restrictions on collective bargaining in enterprises that have been in existence for less than two years limited the right to strike in those enterprises.

The law grants public-sector employees a limited right to strike, except for those in areas vital to public welfare and security, including police and health workers. By law the National Federation of Public Servants (FENASEP), an umbrella federation of 21 public-sector worker associations, is not permitted to call strikes or negotiate collective-bargaining agreements. The ILO COE noted that FENASEP reported in November 2009 that the Government eliminated its standing as a worker organization, thereby denying it membership and participation rights in the National Organization of Organized Workers and access to public funding.

Nevertheless individual associations under FENASEP may negotiate on behalf of their members. In the event of a strike, at least 25 percent of the workforce must continue to provide minimum services in the case of administrative workers, and 50 percent of the workers providing “essential public services”—such as transportation, firefighting, mail, and telecommunications—must continue to provide those services. The ILO COE criticized the Government's definition of “essential services” as overly broad and also noted concerns regarding legal provisions that permit compulsory arbitration at one party's request. The law allows arbitration by mutual consent, by employee request, or during a collective dispute in a public service company and allows either party to appeal if arbitration is mandated during a collective dispute in a public service company.

The ILO COE expressed continued concerns that the Government had not amended the law to permit strikes by federations. The ILO also requested that the Government take the necessary steps to guarantee the right to strike for public servants who do not exercise authority in the name of the state, such as transport workers or workers in export processing zones. Executive decrees issued in 2009 and during the year increased transportation workers' ability to strike by limiting the scope of strike restrictions on essential transportation services to those involving public passenger services.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,500 employees but does allow unions to organize and bargain collectively on such issues as schedules and safety and provides for arbitration to resolve disputes. The Government is a party to the ILO Maritime Labor Convention. In April MITRADEL issued a document that reaffirmed the Labor Code's application to maritime laborers, directed the ministry to ensure the existence of mechanisms for maritime workers to file complaints, and required that workers be informed of their rights.

Controversial Law 30, which revised aspects of the Labor Code and eight other laws in June, sparked opposition from labor leaders among others as well as widespread protests and a strike by the Sitrabana union in early July in Bocas del Toro Province. A government-appointed investigatory commission attributed two deaths to police actions, and authorities initiated investigations into other deaths (see sections 1.a., 1.d., and 2.b.).

The Dialogue Table formed by the Government to decide how to revise Law 30, which included union participation, agreed in October to divide the law into six individual bills with reworked provisions acceptable to all the participants. Notable changes to labor provisions made by Law 68 in October included the following: reaffirmation of the requirement for employers to deduct union dues; permission for owner access to an on-strike work site for maintenance purposes; reaffirmation of the right of the two largest union federations, the National Council of Organized Workers and the National Confederation of Independent Unions, to choose attendees to international workers' conferences; and authorization for pretrial detention for allegedly improper actions taken by police officers in controlling public protests.

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, with some exceptions. Enterprises that have been in existence for less than two years as well as those in Export Processing Zones (EPZs) are not obligated to bargain collectively. In June, Law 29 created a special economic area in Barú region. For specific investments in Barú under that law, employers are not required to bargain collectively for the first six years of operation.

Private-sector unions widely exercised the right to organize and bargain collectively. In addition to the court system, the Conciliation Board of MITRADEL has the authority to resolve some labor disputes, such as internal union disputes, enforcement of the minimum wage, and some dismissal issues. The separate Tripartite Conciliation Board has sole competency for disputes related to domestic employees, some dismissal issues, and claims of less than 1,500 balboas (\$1,500). While labor leaders approved of the conciliation board, some lawyer groups criticized it as a route for circumventing the judiciary, for leaving interpretation of labor laws to the discretion of persons who might lack expertise, and for opening the labor dispute-resolution system to political pressure.

For public-sector workers, the Board of Appeal and Conciliation in the Ministry of the Presidency hears and resolves complaints. 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. Tribunal decisions are final.

Executive decrees issued in 2009 and 2010 provide that an employer may not enter into collective negotiations with nonunionized workers when a union exists. However, these decrees have not been tested in court. Based on previous practice, MITRADEL's Manual of Labor Rights and Obligations provides that unorganized workers may petition MITRADEL regarding labor-rights violations and may exercise the right to strike. Supreme Court decisions recognize that collective agreements negotiated between employers and unorganized workers have legal status equivalent to collective-bargaining agreements, although collective agreements negotiated by a union have precedence over collective agreements negotiated by non-unionized employees.

A 2009 executive decree protects employees from employer interference in labor rights, specifically including "employer-directed unions," and mandates that unions be freely chosen by workers without penalty. However, the Government lacked sufficient mechanisms to ensure that laws prohibiting employer interference in unions and protecting workers from employer reprisals were adequately enforced. The Labor Code prohibits employer antiunion discrimination and protects workers engaged in union activities from loss of employment or discriminatory transfers; however, these occurred in practice. Employers in the retail industry frequently hired temporary workers to circumvent code requirements for permanent workers; temporary workers have the same rights established under a collective-bargaining agreement as do other employees, except relating to dismissal. 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 two-week notice for discharges by dismissing some workers one week before a holiday. Due to 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. Two 2009 executive decrees strengthened the ability of workers to bargain collectively by clarifying the criteria for legitimate subcontracting and by establishing an enforcement plan to protect the rights of temporary workers.

Unions and collective bargaining are permitted in EPZs and call centers, some of which operated under the law applicable to EPZs. A strike in the EPZs is considered legal only after 36 workdays of conciliation; striking workers may be fined or fired if they stop work without the strike being considered legal. There were approximately 2,790 employees in EPZs and 8,830 employees in call centers. Other call centers registered with the Public Services Authority were not subject to EPZ laws.

c. Prohibition of Forced or Compulsory Labor.—No law expressly prohibits forced labor of adults or children, although the Government stated that forced labor could be prosecuted under provisions of constitutional law and other civil and criminal statutes. There were no reports that forced labor 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 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 older to perform light farm work so long as it does not interfere with their school hours. Children who have not completed primary school may not begin work until age 15. The law prohibits 14- to 18-year-old children from engaging in potentially hazardous work and identifies such hazardous work to include work with electrical energy, explosives, or flammable, toxic, or radioactive substances; work underground and on railroads, airplanes, or boats; and work in nightclubs, bars, and casinos. Youths under 16 years may work no more than six hours per day or 36 hours per week, while those 16 and 17 years old may work no more than seven hours per day or 42 hours per week. Children under 18 may not work between 6:00 p.m. and 8:00 a.m.

Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child may face two to six years' imprisonment. 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.

According to the 2010 child labor survey performed by the Government in conjunction with the ILO International Program on the Elimination of Child Labor, approximately 60,700 children and adolescents (7 percent of the overall population in the five-to-17-year-old age group) were found working. This was a 32 percent decrease from the previous survey in 2008, when approximately 89,800 children were found working. Sixty-nine percent of working children also attended school. Seventy-seven percent of working children and adolescents said they worked less than 25 hours per week, and 57 percent worked with their families.

Child labor violations occurred most frequently in rural areas in agriculture and fishing, especially during the harvest of melons, tomatoes, onions, coffee, and watermelon. The harvest season for these products is in January and February, with planting occurring in March and April. Children generally work five to eight hours per day while working these crops.

According to the 2010 survey, approximately 36,400 children (and almost all of the employed indigenous children) worked in the agricultural sector. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help. The problem of child labor in agricultural areas fell most heavily on indigenous families that often migrated from their isolated communities in search of paid work and whose frequent migrations interrupted schooling. Many indigenous families believed in the importance of children working to obtain necessary life skills and preferred to bring women and children to the fields for safety.

Also according to the survey, approximately 1,870 children between the ages of five and 17 worked as domestic servants, compared to 4,500 in 2009, although the law prohibits such employment under age 14. Government enforcement regarding labor violations in this sector was traditionally weak, because the places of work were private residences. Children also worked in the informal sector; for example, approximately 5,100 performed personal services; 9,200 worked in trade and the repair of motor vehicles and appliances; 3,100 worked in manufacturing; and 2,200 worked in construction. According to NGO Casa Esperanza, fewer children worked in urban areas as street vendors, vendors working at fixed locations, baggers in supermarkets, fare collectors on buses, shoe shiners, window washers, car washers, loaders, port workers, hair stylists, manicurists, and painters. The number of children collecting garbage in Panama City and Colon decreased, because that work was privatized.

On February 23, by decree, MITRADEL established the National Directorate for the Eradication of Child Labor and the Protection of Working Adolescents (DIRETIPPAT). Primary DIRETIPPAT responsibilities were to promote strict application of child labor laws, including on the eradication of child labor, and to protect lawfully employed adolescents.

Also on February 23, First Lady Marta Linares de Martinelli announced the country's Roadmap toward the Elimination of Child Labor that outlined a specific strategic plan to achieve the goals of the National Plan for the Eradication of Child Labor (2007-11). The national plan, adopted in 2006, contained goals of eliminating the worst forms of child labor by 2015 and eradicating all illegal child labor by 2020. The roadmap, a joint effort of the ILO's International Program on the Elimination of Child Labor and the Committee for the Eradication of Child Labor and the Protection of Working Adolescents (CETIPPAT), identified the following six dimensions of the effort: fighting poverty, improving education, improving healthcare, protecting

basic rights, increasing social mobility, and increasing knowledge about the hazards of child labor.

The Government continued to raise awareness about and provide training for officials and civil society on combating child labor, although its budget to combat child labor shrank from approximately 541,000 balboas (\$541,000) in 2009 to 253,000 balboas (\$253,000) during the year. CETIPPAT outreach decreased from 1725 children in 96 schools in 2009 to 200 children in nine schools during the year, while the number of inspectors decreased from 196 in 2009 to 178 during the year. From April to October, DIRETIPPAT conducted more than 30 training sessions on child labor in which more than 1,000 individuals participated, including workers, businesspersons, parents, students, union leaders, and local officials.

The National Secretariat for Children, Adolescents, and the Family (SENNIAF) continued operations with a budget of 2.3 million balboas (\$2.3 million), an increase from its startup budget of 2 million balboas (\$2 million) in 2009, and more than doubled its staff members to 72. SENNIAF operated programs that offered comprehensive services to children at risk and their families, including home and school visits, tutoring, and parental counseling. During the year it assisted 2,470 children and adolescents rescued from child labor and identified and assisted 81 child and adolescent street laborers. To improve traditionally poor communication among government agencies involved in combating child labor, SENNIAF in midyear organized the first Symposium for Inter-Institutional Coordination to bring together similar institutions to share information about programs and services for children and adolescents in vulnerable situations.

During the year CETIPPAT provided outreach to 654 children engaged in or at risk of child labor. The National Institute of Vocational Training for Human Development implemented programs for parents of those children involved in DIRETIPPAT's outreach program.

The NGO Casa Esperanza, CETIPPAT, and MIDES continued programs in the comarca of the Ngobe-Bugle, in Santiago de Veraguas, and in Chorrera that provided scholarships for working children, so they could begin or return to primary school, and provided job-training and literacy programs for their parents.

e. Acceptable Conditions of Work.—At year's end the minimum wage ranged from 1.06 to 2.00 balboas (\$1.06 to \$2.00) per hour, depending on region and sector.

Working 40 hours per week, 50 weeks a year, and earning at the minimum-wage median, a worker would earn approximately 184 to 347 balboas (\$184-\$347) per month. The poverty line was 94 balboas (\$94), while the extreme poverty line was 53 balboas (\$53) per month per person or 212 balboas (\$212) for a family of four. Food and the use of housing facilities were considered part of the salary for some workers, such as domestic and agricultural workers. The agricultural and construction sectors received the lowest and highest minimum wages, respectively. 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 well below the minimum wage, particularly in most rural areas, where unskilled laborers earned from three to six balboas (three to six dollars) per day without benefits. MITRADEL was less likely to enforce labor laws in most rural areas (see section 6, Indigenous People).

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. However, the Government did not enforce health and safety standards adequately. For example, during the year eight construction workers in Panama City died due to accidents suffered on the job. MITRADEL's Department of Inspection conducted 1,713 construction inspections during the year, approximately half of which were initiated by a request. Some construction workers and their employers were occasionally lax about conforming to basic safety measures, frequently due to their perception that it reduced productivity. Equipment was often outdated, broken, or lacking safety devices, due in large part to a fear that it would be cost prohibitive to replace such equipment. Construction workers and safety inspectors needed training to enable them to use new construction technologies.

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. Law 68 enacted in October requires that the resident engineer and a MITRADEL safety officer remain on construction sites, establishes fines for noncompliance, and identifies a tripartite group composed of MITRADEL, the Chamber of Construction, and construction union Suntracs to regulate adherence.

PARAGUAY

Paraguay is a multiparty, constitutional republic with an estimated population of seven million. In 2008 Fernando Lugo of the Patriotic Alliance for Change won the presidency in elections that were generally free and fair. Security forces reported to civilian authorities.

There were reports of killings by government officials and police that were not always investigated or prosecuted. Government agents reportedly abused some prisoners with impunity. Prisons were routinely overcrowded and did not meet international standards. Political interference, corruption, and inefficiency in the judiciary were common, as was lengthy pretrial detention. Government corruption remained a serious problem. Violence against women continued, as did discrimination against women, persons with disabilities; indigenous persons; and lesbian, gay, bisexual, and transgender (LGBT) individuals. Trafficking in persons persisted. Exploitation of child labor and violations of worker rights also remained 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 some security forces and government prosecutors, acting in official capacity but without government knowledge or support, occasionally killed individuals for personal gain.

On July 9, authorities arrested and charged Prosecutor Dionisio Daniel Fleitas Ramirez and five police officers (Miguel Leguizamon, Gervasio Almiron, Carmelo Ojeda, Isidro Torres, and Castro Dario Aguilera) with killing Marcos Roberto Carrion, a Brazilian. Carrion's body was found in a field near Ciudad del Este several days after a videotape showed Fleitas and the officers taking Carrion from the apartment building where he lived. The videotape also showed Fleitas wiping Carrion's blood off the building stairwell floor. The alleged motive was the theft of \$26,000 that Carrion was carrying.

On August 30, prosecutors charged 17 police officers working for the 911 system with manslaughter in the death that day of 47-year-old Gustavo Munoz, who refused to show identification when approached by police. There were no further developments in the case by year's end.

On September 10, a three-judge panel sentenced police officers Daniel Alvarez, Luis Gonzalez Rodriguez, and Arsenio Fernandez Zayas to prison for killing Pedro Luis Morinigo Servin in April 2009.

There were no developments and no investigation in the August 2009 case in which the father of Higinio Aquino Santos alleged police killed his son after an extortion attempt in Ciudad del Este, and none were expected.

In October 2009 police officer Nestor Eduardo Gonzalez Alonso fired warning shots to disperse a crowd in Villa Hayes, killing 16-year-old Roberto Ramon Mendoza. Prosecutors charged Alonso with murder. The case remained pending at year's end, and no developments were expected.

On March 27, a court selected a three-judge tribunal to try eight police officers charged in the 2008 shooting of Leticia Veronica Lugo in Villa Elisa. However, as of year's end, a trial had not begun.

There were no known developments in the 2008 arrest of police officer Gustavo Arnaldo Duarte for the killing of security guard Salinas Vicente Gonzalez, and none were expected.

b. Disappearance.—There were reports of "express kidnappings" for ransom, including by prosecutors and police officers, which occasionally resulted in unsolved disappearances.

In September Daniel David Castelli disappeared while carrying 200,000 euros (approximately \$270,000) that he allegedly received in conjunction with a large drug deal. Suspects included three police officers (German Arevelo, Marcos Valezquez, and Hector Ortiz); the attorney general was investigating the case at year's end.

On January 18, kidnappers calling themselves the Paraguayan People's Army (EPP) released cattle rancher Fidel Zavala Serrati, whom they had captured in mid-October 2009.

Free Fatherland Party members Aristides Vera Silguero, Roque Rodriguez Torales, Simeon Bordon Salinas, Basiliano Cardozo Jimenez, Agustin Acosta Gonzalez, and Gustavo Lezcano Espinola remained incarcerated awaiting trial for the 2004 kidnapping and killing of Cecilia Cubas.

Throughout the year officials excavated a gravesite in the Tacumbu area of Asuncion containing remains of suspected Stroessner-era political prisoners. The remains of at least eight victims have been recovered since the site's discovery in July 2009. As many as 40 additional victims were possibly buried there. At year's end, excavation and forensic work continued.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such treatment, and the Government generally respected these legal provisions, although there were reports that some government agents employed such practices. The Coordinator of Human Rights in Paraguay (CODEHUPY), made up of 33 nongovernmental organizations (NGOs) and civic organizations, reported several allegations of police torture and other abuses designed to extract confessions or intimidate detainees.

There were no new developments, and none were expected, regarding the January 17 CODEHUPY accusation that police and military forces deployed in San Pedro Department tortured several farmers following a 2008 attack on a military outpost in Tacuati.

On October 13, Precinct Chief Alfredo Pineda filed a complaint against police officers Osvaldo Jose Navarro Diaz and Oscar Calestra for a May beating of a handcuffed 15-year-old youth in police custody at the 24th Precinct in Asuncion. On November 22, prosecutors also charged police officer Oscar Raul Rolon Unzain with causing bodily injury in this case. The alleged perpetrators videotaped the beating. An investigation remained pending at year's end.

On November 7, Carlos Sanchez accused two unidentified police officers from the Second Police District, Caaguazu Department, of beating him following his arrest on November 5. The police chief stated that doctors confirmed that Sanchez had injuries to his face, eyes, and nose. The investigation remained pending at year's end.

In January police reinstated Virginia Villar as Guayaybi District police chief. Six alleged victims had previously accused Villar of torture, and in 2008 she was convicted of the 2004 shooting of Eseer Arens Ocampos. After a public outcry, authorities removed Villar as district chief and assigned her to other duties. Andrews Ramon Rotela Acosta accused Villar in March of having made him sit naked on an anthill. The August 2009 allegation that Villar beat Emiliana Quinonez Espinola to unconsciousness in connection with a theft in Guayaybi District remained under investigation at year's end.

There were no developments in the reopened case against former interior minister Walter Bower and police officers Basilio Pavon, Merardo Palacios, and Osvaldo Vera. Bower and Pavon reportedly tortured Alfredo Caceres following an alleged coup d'etat in 2000. The case remained in the courts at year's end.

On April 8, a three-judge panel convicted National Military Academy cadets Cesar Antonio Candia Britos, Francisco Sotelo Blanco, Leonardo Fabio Martinez Rotela, Gustavo Joel Ramon Benitez, and Guillermo Benitez Adorno of sexual abuse of a defenseless person in the 2008 rape of a female cadet. The panel found Carlos Caniza not guilty on technical grounds and sentenced Candia, Sotelo, and Martinez to eight years and three months in prison; Ramon Benitez to three years; and Benitez Adorno to two years and six months. Judicial authorities denied initial appeals to substitute "conditional liberty" and "house arrest" but, on November 10, granted conditional house arrest to both Ramon Benitez and Benitez Adorno.

On November 3, first-year military cadet Antenor Rafael Saiz Ribes filed a complaint against the military academy alleging he was brutally beaten and verbally assaulted in October as part of a common hazing ritual. Accused cadets Derlis Milciades Villagra Castillo, Joel Alejandro Velazquez Meza, and Carlos Luis Coronel claimed Saiz received his injuries playing soccer. President Lugo replaced the commander of the corps of cadets following the controversy.

The Government continued to improve hygienic conditions and implement controls to monitor and prevent abuse at the Neuropsychiatric Hospital in Asuncion in further compliance with the 2008 Inter-American Commission on Human Rights (IACHR) ruling on abuse at the hospital. The hospital opened an additional group

home in September. A verbal agreement ending IACHR oversight of the hospital was pending formal announcement at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions generally did not meet international standards. A 2008 Senate Human Rights Committee report stated that prisons remained in “deplorable” condition. The most serious problems included violence, mistreatment, overcrowding, inadequate and poorly trained staff, deteriorating infrastructure, unsanitary living conditions, poor food safety standards, and inadequate medical and psychological care.

The Government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the Ministry of Justice and Labor (MJT). Media, Red Cross representatives, and other NGOs conducted prison visits during the year.

The country's 15 penitentiaries held more than 6,200 inmates (including 240 women), approximately 16 percent more than their design capacity of 5,340. The penitentiary in Ciudad del Este, designed to hold approximately 300 inmates, held more than 620. Pretrial detainees made up approximately 70 percent of the prison population and were held together with convicted prisoners in all but two penitentiaries. In May the director of adult prisons estimated that 30 percent of prisoners were held beyond their constitutional minimum sentence for lack of a judicial decree ordering their release (see section 1.d., Arrest Procedures and Treatment While in Detention).

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. During the year the MJT recorded 18 deaths of prisoners in custody, some of whom were killed by other inmates, and 18 injuries. The MJT also recorded nine inmate escapes during the year. There were cases of inmates conducting illicit activities by bribing and conspiring with prison guards. Visitors were required to pay informal bribes to designated prisoners whose job was to alert inmates of visitors. This informal payment system hindered effective representation of inmates by public defenders.

On September 17, following reports that inmates at Tacumbu Prison in Asuncion used Christian ministry computers to blackmail female minors into entering the prison and submitting to the videotaping of sex acts, prosecutors raided the prison, seized computers, and charged prisoners Jorge Abe Pereira Colman and Feliciano Lopez Lopez with the production of child pornography videos and coercion. Unidentified prison guards also were allegedly involved. On October 6, prosecutors charged ministry pastors Horacio Danilak and Felix Duarte Dupont with failure to report a crime. The MJT suspended Prison Director Julio Acevedo, and on October 11, he resigned after prosecutors charged him and Tacumbu security chief Silverio Baez with several crimes related to the production of child pornography and failure to report a crime. A judge released Acevedo and Baez on bail on November 18, and all cases remained pending at year's end.

In September 2009 prosecutors arrested Pablo Soley and Eligio Lagrana, the director and the chief of security at the Social Rehabilitation Center at Cambyreta, for alleged extortion of prisoners. Soley resigned in January, and the case remained pending at year's end.

Although the MJT assigned minors convicted of juvenile crimes to five youth correctional facilities in the country, some juvenile offenders served their sentences in adult prisons. Living conditions in juvenile facilities were generally better than in adult prisons.

Prison officials and unauthorized prisoner leadership frequently separated inmates based on their ability to pay for better living conditions. Inmates could upgrade their accommodations for a monthly fee ranging from 15,000 to 700,000 guaranies (approximately \$3 to \$150).

On July 9, President Lugo created the National Commission on Prison Reform by presidential decree.

The Government's prison construction and relocation plan continued apace, with new prisons projected in the cities of Ciudad del Este, San Juan Bautista, and elsewhere.

d. Arbitrary Arrest or Detention.—The law prohibits arrest and detention without an arrest warrant signed by a judge and stipulates that persons detained must appear before a judge within 24 hours for an initial hearing. Police may arrest without warrant a person apprehended in the act of committing a crime, and the Public Ministry may detain persons up to six hours. There were some 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 safe-

ty 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, handles some defense matters. The law authorizes the Antinarcotics Secretariat (SENAD) and the Antiterrorism 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 regular reports of police involvement in crimes that went unpunished. In a change from previous years, authorities fired several police officers for criminal behavior (although they were not convicted).

The 23,000-member National Police force was poorly trained, inadequately funded, generally corrupt, and shielded by impunity. Police officers were routinely accused of "express kidnappings" and holding civilians for short periods until bribed for their release. Some prosecutors routinely conspired with police and criminal organizations to extort and blackmail individuals.

On November 1, prosecutors charged precinct police chief Juan Pereira and deputy police officer Nicodemos Mendez Torres with aggravated robbery of 32 million guaranies (approximately \$6,900) and assault of two moneychangers on October 30; authorities also charged two other officers with complicity. The cases remained open at year's end.

The Government continued to take steps to decrease and punish human rights violations committed by police. However, some officers often acted with impunity. Although the National Police trained officers in human rights, there were routine incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping throughout the country, with such abuses particularly widespread in Ciudad del Este and other areas bordering Brazil (see section 4).

On request from President Lugo, Congress approved a 30-day "state of exception" in late April to permit domestic use of the military in five departments to support locating the EPP guerrilla group and detaining individuals involved in its attacks. On May 11, Amnesty International (AI) cautioned the president about the state of exception and mentioned the need to specify the rights to be restricted and to avoid violations of those rights. In the event, the populace supported the measure, and the Government maintained its activities did not lead to restrictions on or violations of human rights. Authorities apprehended approximately 180 individuals during the state of exception, roughly half of whom were the subjects of outstanding arrest warrants. As of year's end, there were no known further developments in these cases.

Arrest Procedures and Treatment While in Detention.—Police may arrest individuals when authorized by a judicial or prosecutorial warrant or when they discover a crime in process. The law provides that, after making an arrest, police have up to six hours to notify the Prosecutor's Office, whereupon the Prosecutor's Office has up to 24 hours to notify a judge of its intention 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 in practice and 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. This often occurred in actuality. The law stipulates that pretrial detention may range from six months to five years, based on the nature of the crime; in practice, detention was arbitrarily lengthy, and some detainees were held beyond the maximum allowable detention time. Judicial inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

On November 6, the Supreme Court Penal Tribunal ordered the release of Rogelio and Hector Paiva Vera, who were detained in prison since 2007 under grand theft charges. The maximum pretrial detention for grand theft is two years.

The law allows judges to utilize "substitute measures," such as house arrest and bail, in felony 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 or no bonds were required of those with political or economic connections.

The law grants accused criminals the right to counsel, and the Government provided representation to poor defendants. The quality of representation was degraded

by the size of the public defenders' caseloads. The Government permitted defendants to hire attorneys at their own expense. Detainees had access to family members.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; in practice, however, political interference seriously compromised that independence. Courts remained inefficient and subject to corruption. Politicians and interested parties routinely attempted to influence investigations and pressure judges and prosecutors. There were also frequent accusations that judges and prosecutors solicited bribes to drop or modify charges against defendants.

On September 14, appellate judges Maria Doddy Baez, Silvio Reyes, and Enrique Alfonso released Jose Martinez Mendi Pavao, the son of one of the country's most-wanted narcotics traffickers, on technical grounds. A judicial review board suspended the decision and replaced the judges and prosecutors the following day, pending an investigation. As of year's end, there were no known further developments.

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, with specific seats customarily allocated by political party.

Trial Procedures.—The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. In June 2009 a Center for Judicial Studies report revealed that only 47.9 percent of cases initiated in 2008 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges and 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 civil cases and misdemeanor cases when the maximum punishment does not exceed two years in prison.

All trials are open to the public. The law requires prosecutors to indict accused persons within 180 days of arrest. Prosecutors and public defenders 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 written testimony from witnesses 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.

Regional Human Rights Court Decisions.—On August 24, in the Xakmok Kasek indigenous community case, the Inter-American Court of Human Rights judged that the country violated the complainants' rights to life, personal integrity, collective property, humane treatment, and freedom from discrimination. The court criticized the Government's passive and unresponsive administrative procedures and specifically directed the return of property by 2013, the funding of development projects, and the payment of compensation.

During the year the Government partially complied with two other court rulings. Concerning the 2006 decision in favor of the Sawhoyamaya indigenous community, the Government continued to provide monetary restitution but did not award the group land. Regarding the 2005 judgment in favor of the Yakye Axa indigenous community, the community accepted in principle the Government's purchase of approximately 37,000 acres of alternative land for resettlement to replace ancestral land on which its members were living—an agreement negotiated in September through an IACHR representative. However, the community later reversed its position, and the alternative lands were not purchased. In both cases the legislature prevented implementation of the executive branch's preference for expropriation as a means to provide title for native lands to indigenous inhabitants.

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 authorities rarely granted them 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. For example, in Puerto Casado, continuing land disputes dating back to 2000 between local residents and landowner Victoria SA have resulted in regular clashes and damage to private property. The Government did not enforce judicial decisions and court orders to return occupied land to the landowner.

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, and the Government generally respected these prohibitions in practice.

An investigation of former commander of the Presidential Escort Regiment Colonel Heriberto Galeano for illegally wiretapping telephones from his home remained open at year's end, and no developments were expected.

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.

The independent media were active and expressed a wide variety of views without restriction. 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. For example, during the year ABC Color managing director Aldo Zuccolillo faced many criminal charges relating to defamation suits brought against him by former government officials. On April 7, a judge ordered him to pay 236 million guaranies (approximately \$51,000) plus interest for questioning the judicial decision that freed former president Luis Angel Gonzalez Macchi from prosecution. The appeals process remained pending at year's end.

During the year journalists were subjected to harassment, intimidation, and violence—primarily from drug trafficking gangs and criminal syndicates based in departments bordering Brazil—due to their reporting. For example, in January ABC Color correspondent Sergio Escobar Rober reportedly received anonymous death threats after reporting on police abuse. Unidentified assailants allegedly fired shots at the car and house of Panambi Vera radio and La Nacion/Cronica newspaper reporter Secundino Silguero Rodas after his reporting about police involvement in killings. Provincial governor bodyguards and an unidentified armed assailant reportedly threatened Vanguardia/ABC Color correspondent Fermin Jara and photographer Eduardo Homero after they covered vandalism allegedly performed by local officials. On March 2, members of the National Police Specialized Unit reportedly attacked and threatened with death ABC Color correspondent Higinio Ruiz Diaz who was covering a local clash.

There were no known developments, and none were expected, in the following cases: the January 2009 killing of Martin Ocampos Paez, director of a community radio station, by an unknown assailant in Concepcion; the February 2009 assault on television journalist Richard Villasboa and camera operator Blas Salcedo by security officials; the March 2009 death threat by a citizen against newspaper journalist Aldo Lezcano; and the September 2009 shooting at journalist Javier Nunez by alleged petroleum smugglers.

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 approximately 16 percent of the population used the Internet in 2009.

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 prohibits meetings or demonstrations in front of specified government buildings.

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.—For a complete description of religious freedom, please see the 2010 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 hu-

manitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the UN's local legal representative. At year's end, 115 political refugees were living in the country, 80 of whom were Cuban. The law prohibits forced exile, and it was not used.

Protection of Refugees.—The country's laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. The Government also provided temporary protection to individuals who may not qualify as refugees and permits persons 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 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 2008 multiparty general elections, Fernando Armindo Lugo Mendez of the Patriotic Alliance for Change won the presidency. International observers characterized the elections as generally free and fair.

Although political parties operated without restriction or outside interference, the Government must approve their participation in elections. The Government prohibits unregistered parties and independent candidates from participating in national and departmental elections, although independent candidates may participate in municipal elections. Between April and June, the Organization of American States conducted a review of the voter rolls in anticipation of November 7 municipal elections and found a freely and fairly functioning system but with some structural deficiencies; the elections were deemed free and fair.

The Superior Electoral Court oversees the electoral process and settles election disputes, and the Supreme Court has final appellate jurisdiction.

There were no legal impediments to women's participation in government and politics. There were 17 women in Congress (seven of 45 senators and 10 of 80 national deputies). Of 39 appeals court judges, 11 were women. Two women served on the Supreme Court; one, as a departmental governor; and three, as members of the Mercosur Parliament. One woman headed a cabinet-level ministry, and four women held ministerial rank. In municipal elections on November 7, women won mayoral contests in 18 of the 238 cities where they were held. The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women, and this requirement was fulfilled.

Although there were no legal impediments to participation by minorities or indigenous persons in government and politics, there were no indigenous persons or members of minorities serving as governor or in the cabinet, legislature, or Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and some officials in all branches and at most levels of government frequently engaged in corrupt practices with impunity. Under a law that prohibits court cases from lasting longer than five years, politicians convicted in lower courts routinely avoided punishment by filing appeals and motions until the statute of limitations was reached. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

The Public Ministry, under the authority of the attorney general, commissioned teams of prosecutors to combat corruption. In October there were 11 anticorruption prosecutors. 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 before running for office; however, many did not. Many engaged in corrupt practices with impunity and used political immunity to avoid prosecution. Filings often were late, incomplete, or misleading. Regarding police financial disclosure, on July 21, the interior minister announced that all police officers must file reports of net worth every three years and when they are eligible for promotion. As of July, individuals filed 174 formal complaints against the police for corruption, compared with 175 complaints for all of 2009.

There were no developments, and none were expected, in the February 2009 charges against former defense minister Roberto Gonzalez Segovia, national deputies Magdaleno Silva and Jose Chamorro, and five others for issuing false documents to obtain special low-interest loans or in the September 2009 extortion charges against police officers Agustin Rios and Ramon Lequizamón.

Corruption in the 12,000-member military continued. Several senior leaders at the military's primary training facility repaid money during the year that they had extorted from their subordinates, which resolved the case in the eyes of the military justice system. The extortion scheme involved instructors diverting a portion of their teaching stipend to their nonteaching senior leaders.

On May 24, prosecutors charged the former governor of Alto Paraguay Department, Rosalba Belmonte, with damage to state property in the disappearance of 2.7 billion guaraníes (approximately \$582,000) while in office in 2007 and 2008.

On November 11, prosecutors charged 23 employees of the Civil Registry Office with extorting citizens requiring basic services. The employees had been filmed demanding and accepting bribes for rapid request processing. The Supreme Court ordered suspensions without pay starting November 16.

Following a November 2009 raid, prosecutors charged electoral prosecutor Liz Perez Idoyaga on September 7 with the theft of 185 million guaraníes (approximately \$40,000) by claiming government salaries for more than a dozen nonexistent employees working for her. While the case proceeded, she was initially suspended for 60 days but then resumed work as a prosecutor in Quindy. On October 14, Perez Idoyaga obtained a postponement by claiming amnesia, and she filed charges against the primary witness in the case for false testimony.

In the case of Eugenio Escobar Cattebecke, former governor of Presidente Hayes Department who was sentenced to two years and six months in prison in December 2009 for diverting more than 1.3 billion guaraníes (approximately \$280,000) in public money during his term of office, a three-judge tribunal converted his sentence to house arrest on January 26.

There were no updates, and none were expected, in the case involving federal prosecutor Victor Maldonado. Eyewitness and press reports indicated Maldonado accepted a bribe from fugitive Alberto Luciano Chavez Pereira in return for his release. There was no known government investigation into the bribery allegation.

On June 9, a three-judge panel revoked the temporary bond of former justice and labor minister Silvio Ferreira and sentenced him to five years and six months in prison for embezzlement (allowing overcharging on public contracts), but the panel also found him not guilty of criminal association. An appeals court confirmed the sentence on November 19, but the Supreme Court did not affirm the results before the statute of limitations expired, leaving Ferreira without a criminal record in this case.

On January 4, a three-judge Supreme Court panel (composed of Colorado Party members) refused to overturn a lower court ruling that had limited the illicit enrichment investigation of former president (and Colorado Party member) Nicanor Duarte Frutos. A truncated investigation remained underway at year's end.

On August 18, a three-judge panel decided that suspended prosecutor Gustavo Gamba's case should proceed to trial. Gamba had been audiotaped in June 2009 receiving an initial payment of \$90,000 from Senator Victor Bernal Garay in return for Gamba's promise to dismiss one of five cases pending against the senator, involving his reported misuse of funds while serving as director of the Itaipu Binational Entity. Bernal continued to enjoy political immunity while in office, and his case was transferred to another prosecutor. In October the judges' panel scheduled Gamba's trial to start in December 2011.

The 2008 case involving the detention of 13 officials from the National Administration of Navigation and Ports for alleged embezzlement remained pending at year's end.

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 determined efforts to conspire to hide corruption hindered access, although the Government improved transparency by publishing information publicly via the Internet.

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

More than 50 domestic and international human rights groups, including the International Organization for Migration, the International Labor Organization (ILO), and the UN Children's Fund, operated without government restriction, investigating and publishing their findings on human rights cases. Major local NGO um-

brella organizations representing many local human rights NGOs operated independently.

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 suppress criticism by them. The Government generally cooperated with international human rights groups, humanitarian NGOs, and international governmental organizations and regularly permitted visits by their representatives.

The term of Ombudsman Manuel Paez Monges, the country's primary human rights advocate, expired in August, but he continued to serve while a replacement was sought. The ombudsman employed approximately 160 lawyers and support personnel, including 70 who worked in municipal offices outside Asuncion. Human rights organizations, victims of the Stroessner dictatorship, and several Congress members criticized Monges for what they considered ineffective handling of cases. His office lacked independence and initiative and issued no significant reports during the year.

The Senate Committee on Human Rights made frequent fact-finding trips within the country and highlighted abuses in the military and prisons during the year.

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.

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

While the law prohibits discrimination based on race, gender, disability, language, or social status, certain groups 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, sentences range from three to 15 years. According to the Public Ministry, rape continued to be a significant problem, although no statistics were available for the year. The Government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported, and police were generally reluctant to act on rape reports. In its latest available report, the Government investigated 1,316 cases of various categories of sexual assault in 2008, including rape.

Although the law criminalizes domestic violence, including spousal abuse, and stipulates a penalty of two years' imprisonment or a fine for those who are convicted, it requires that the abuse be habitual before considering it criminal. Those convicted were typically fined. The law does not specify the amount of the fine but instructs judges to take into account the severity of the act on the victim and the perpetrator's economic situation.

Despite increased reports of domestic violence, individuals often withdrew complaints soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases, but there were no reliable statistics available as to the results. Domestic violence was very common, and thousands of women were treated for injuries sustained in domestic altercations. The emergency 911 system took 16,974 calls on domestic violence in 2009, and women filed 286 formal complaints with police. The National Police opened three domestic violence units in Asuncion during the year, staffed with approximately 30 police officers and operated from existing police stations. From January to November, 1,586 formal complaints of domestic violence were filed with them. The Secretariat of Women's Affairs (SMPR) received 2,409 domestic abuse complaints in 2009, an 18 percent increase from 2008; from January to November, the SMPR attended to 1,872 victims of domestic violence.

The SMPR operated a shelter for female 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 victim assistance courses for police, health care workers, and prosecutors.

The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine of an unspecified amount (although the law requires the tribunal to take into account the economic situation of the perpetrator). Sexual harassment remained a problem for many women, although no statistics were available for the year. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

Couples and individuals had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination. The Government committed to providing access to information on contraception and providing skilled attendance at delivery and in prenatal and postpartum care. Contraception use among married women between the ages of 15 and 44 was 79 percent in 2008, according to the Population Reference Bureau. The UN Population Fund reported an estimated maternal mortality ratio of 95 deaths per 100,000 live births and approximately 150 maternal deaths in 2008. Reproductive health services were concentrated in cities, and rural areas distant from government-provided services faced significant gaps in promised coverage. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. Employers often paid women significantly less than men for comparable work, and women experienced more difficulty finding work. A 2010 World Economic Forum survey estimated that women earned approximately 47 percent less than men for comparable work. Women generally were employed as domestic workers, secretaries, and customer-service representatives. According to the General Directorate of Statistics, Surveys, and Censuses (DGEEC), the 2009 unemployment rate for women in the formal sector was 7.8 percent, compared with 5.5 percent for men. The SMPR worked to promote the rights of women and sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities. Its minister-level director reported directly to the president.

Children.—Nationality is derived by birth within the country's territory, by birth to government employees in service outside the country, or by birth to a citizen residing temporarily outside the country. Citizenship is conveyed to all nationals who attain the age of 18 as well as to older individuals when they are naturalized.

Failure to register all births resulted in some discrimination, including the denial of public services. The DGEEC noted registration of 49,879 live births in 2007, a shortfall in registrations of approximately 65 percent.

Child abuse and neglect were serious problems. The National Commission to Prevent and Eradicate the Exploitation of Children worked to prevent the exploitation of child labor. The Secretariat for Children and Adolescents (SNNA) and children's NGOs also organized programs to combat child abuse.

The SNNA provided funds to the Grupo Luna Nueva hostel for exploited children. The NGO Children's and Adolescents' Care and Assistance Center managed a shelter in Ciudad del Este partially supported by the SNNA, and local Roman Catholic charities operated several children's homes and orphanages in several locations, including Asuncion and Encarnacion. The NGO Integral Adolescent Attention Service assisted abused children in Villarrica, Guaira Department. In many cities, the municipal council for children's rights 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. The law provides penalties of up to six years' imprisonment for prostitution of victims between the ages of 14 and 17 and eight years' imprisonment for victims younger than 14. The minimum age for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. Child pornography is illegal. Production of pornographic images can result in a fine or up to three years in prison. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser (see also section 1.c. concerning production of child pornography in prison).

On February 19, the minister of defense formally apologized to the families of Marcelino Gomez Paredes and Christian Ariel Nunez, child soldiers recruited into the armed forces in 1997 at age 14, who disappeared in the Chaco in 1998. The apology with monetary payments brought the country into compliance with the agreement mediated by the IACHR in November 2009.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—The Jewish community numbered approximately 1,000. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them. The National Institute for the Protection of Exceptional People (INPRO) is responsible for legally confirming disability status. On October 15, authorities issued regulations granting blind persons free passage on public transport.

Although the law requires that persons with disabilities fill 5 percent of all public-sector jobs, as of April they constituted less than 1 percent of public-sector employees. During the year the Secretariat for Personnel Management conducted training and outreach sessions for human resources offices within the Government.

Indigenous People.—The law provides indigenous persons the right to participate in the economic, social, political, and cultural life of the country. However, 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 the ability of indigenous persons to progress economically and maintain their cultural identity. The law protecting the property interests of indigenous persons was not respected in practice. The July 12 Amnesty International submission to the UN Universal Periodic Review focused on alleged violations of the rights of indigenous persons as provided in the country's constitution and specified concerns regarding traditional lands, healthcare, water, and sanitation.

A 2008 census reported an indigenous population of approximately 108,000 and estimated that 39 percent of indigenous persons above age 15 were illiterate and that approximately 48 percent were unemployed. According to the DGECC, the average monthly income of the indigenous population in 2008 was 778,000 guaranías (approximately \$170), approximately half the minimum wage of the nonindigenous population. Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked benefits. This situation was particularly severe for indigenous persons engaged as laborers on ranches and estates in the Chaco region. On November 22, four indigenous recruits for the national police entered into service, including one woman. At year's end, the other 18 positions (of the 22 set aside in December 2009 for indigenous recruits) remained unfilled.

The National Institute of the Indigenous (INDI), the Public Ministry, and the Ombudsman's Office are responsible for protecting and promoting indigenous rights. The INDI reported titling approximately 477,000 acres of land to benefit 18 indigenous communities during a three-year program that ended in December. However, the INDI lacked funding to purchase land on behalf of indigenous persons and required them to register for land at its office in distant Asunción, and Congress did not pass expropriation bills or appropriate sufficient funds, as requested by the executive branch, to comply with Inter-American Court of Human Rights rulings (see also section 1.e., Regional Human Rights Court Decisions).

The law authorizes indigenous persons to determine how to use their land, leading many of them to transfer or rent their land to nonindigenous persons, some of whom illegally harvested fish or deforested the lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands, and few indigenous persons held title to their ancestral lands. In a September 29 statement, Amnesty International pointed out that the country had no effective and efficient mechanism for settling ancestral land claims (see also section 1.e.).

In the Kelyemagategma indigenous community's case pending before the IACHR, two community leaders reportedly received death threats on September 5 while accompanying an international investigatory delegation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination. For example, on April 7, family members of 20-year-old Norma Beatriz Machado Rivarola forcibly took her from her partner's home, beat her, and locked her in her parent's house. The complaint she filed with the prosecutor's office on April 23 had not been acted upon by year's end.

Penalties for the crime of having sex with a minor between the ages of 14 and 16 vary, depending on the genders of the victim and perpetrator. Same-gender per-

petrators are subject to up to two years in prison; the maximum penalty for opposite-gender perpetrators is a fine.

Several LGBT rights organizations, which operated during the year without governmental interference, conducted two gay pride marches during the year. The Government issued the required permits and provided sufficient security in both cases.

There were no developments regarding the 2008 attacks on and killings of transgender persons Lupita, Laura, and Gaby, and none were expected.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, access to nationality, access to education, or health care, but all types of discrimination occurred frequently. There was also societal discrimination based on sexual orientation.

In March the Interior Ministry signed a cooperation agreement with the NGO Somosgay to provide tolerance and antihomophobia training to police.

Other Societal Violence or Discrimination.—The CODEHUPY noted that individuals with HIV/AIDS faced discrimination as well as societal intimidation in health care, education, and employment. In November the NGO Fundacion Vencer introduced a confidential toll-free help-and-information telephone line dedicated to HIV/AIDS-related problems.

Section 7. 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 317,000 persons (11 percent of the workforce) were members of more than 350 labor unions affiliated with six major labor umbrella organizations. Most workers, including farmers, ranchers, and informal sector employees, did not have suitable labor unions. 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 Ministry of Justice and Labor. Although the official registration process can take more than a year, the ministry typically issued provisional registrations within weeks of application to allow new labor unions to operate.

The law provides for the right to strike, prohibits 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 Ministry of Justice and Labor, there were approximately 30 collective-bargaining agreements in place, covering approximately 10 percent of private-sector employees and 60 percent of public-sector employees.

Although the law prohibits antiunion discrimination, discrimination occurred in practice. Some union organizers experienced harassment and dismissal 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. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

In May 2009 the UN Permanent Forum on Indigenous Issues reported allegations of debt labor on the estates and ranches of the Chaco region. Receiving little to no wages, some indigenous workers allegedly contracted debts with their employers, who advanced them pay to meet the cost of food and clothes as well as of sending their children to school. This situation was severe for women in domestic service, who were reportedly offered no compensation for their work and faced abuse. Investigators from the Ministry of Justice and Labor were unable to substantiate claims made by the UN; however, they did not deny that such conditions could exist. The Government created the Commission on Fundamental Rights at Work and the Prevention of Forced Labor to address these problems in March 2009; the commission took no known public actions during the year.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws protect children from exploitation in the workplace, but the Government did not effectively enforce them. Child labor was a problem, particularly in brick and lime manufacturing, domestic service, and agricultural sectors. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The law prohibits work by children under the age of 14. The law permits minors between 14 and 15 years of age to work, with parental authorization, up to four hours per day in nonhazardous working conditions. Minors who are 16 and 17 years of age are permitted to work up to six hours per day in nonhazardous working conditions.

A 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. Children, primarily boys, worked in the manufacturing and agricultural sectors (including cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children also worked as vendors in markets. An estimated 60,000 children, primarily girls, worked as *criadas* (child domestic servants) and received no pay. In exchange for work, employers promised the child domestic servants room, board, and financial support for school. However, they were sometimes subject to sexual exploitation and often lacked access to education.

In addition to domestic servitude, the worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Slavery and similar practices occurred, particularly in 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. Some minors worked as drug smugglers along the border with Brazil as part of criminal syndicates.

The Ministry of Justice and Labor is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. The country's National Commission for the Prevention and Eradication of the Exploitation of Children 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. In August the Ministry of Justice and Labor approved a commission-produced, intra-institutional guide for coordinating agency handling of child workers.

The SNNA administered the "Hug Program" (Programa Abrazo) to assist families with children at risk of working in the streets, and the Secretariat for Social Action administered the "Well-being Program" (Programa Tekopora) that paid parents of street children a monthly stipend to send their children to school. The SNNA's "Operacion Verano" brought children of street workers into shelters when school was not in session. The Ministry of Education and Culture continued using the ILO's Supporting Children's Rights through Education, the Arts and the Media (SCREAM) child labor intervention program in six departments to train and assist educators in identifying child laborers and protecting them from exploitation.

e. Acceptable Conditions of Work.—The mandatory national minimum wage was approximately 1.5 million guaranies (\$320) per month, sufficient to maintain a minimally adequate standard of living for a worker and family, but the Ministry of Justice and Labor did not enforce it. In June the Secretariat for Personnel Management reported 9,234 government workers earned less than the minimum wage, an improvement from August 2008's estimate of 28,047. In July the DGEEC estimated that 40 percent of private-sector workers and 80 percent of public-sector workers earned the minimum wage or higher.

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 of or exceptions for excessive compulsory overtime.

The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. The Ministry of Justice and Labor and Ministry of Health did not 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 30 million. In 2006 Alan Garcia Perez of the American Popular Revolutionary Alliance (APRA) party won the presidency in elections that were considered free and fair. Security forces reported to civilian authorities.

The following human rights problems were reported: incidents of killings by security forces of protesters during demonstrations, most of which were being investigated by authorities; abuse of detainees and inmates by prison security forces, for which the Government took steps to prosecute and punish those responsible; harsh prison conditions; lengthy pretrial detention and inordinate trial delays; lack of full compliance with regional human rights court decisions; intimidation of the media by local authorities; incomplete registration of internally displaced persons; government corruption; violence and discrimination against women; violence against children, including sexual abuse; and trafficking in persons. There was also some discrimination against racial- and ethnic-minority individuals; indigenous persons, lesbian, gay, bisexual, and transgender (LGBT) persons; individuals with disabilities; and persons with HIV/AIDS as well as a lack of labor-law enforcement and the exploitation of child labor, particularly in the informal sector.

The terrorist organization Sendero Luminoso (Shining Path) was responsible for killings and other human rights abuses, including the recruitment of child soldiers, extortion, and intimidation. The organization was also deeply involved in narcotics trafficking.

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, in episodes of societal unrest, protesters and security forces were killed.

On April 4, six civilians were killed and 29 persons, including police, were injured during a confrontation, reportedly involving gunfire and tear gas, between police and demonstrating miners who blocked a stretch of the Pan-American Highway in Chala, Arequipa Region. At year's end the Public Ministry was investigating the incident, but no formal charges had been brought.

On July 27, security forces killed a protester during a demonstration against the export of natural gas in Quillabamba, Cusco Region. At year's end the Public Ministry was investigating the incident, but no formal charges had been brought.

On August 3, a clash between government coca eradication personnel and approximately 300 growers who tried to stop the eradication operation in an area close to Aguaytia, Ucayali Region, resulted in the death of one grower and the injury of two others. At year's end there were no reported developments.

On September 16, clashes between police and residents of Espinar, Cusco Region, who protested against the Majes Siguanas II dam project, resulted in the death of one protester (Leoncio Fernandez Pacheco) and the injury of 18 others. At year's end the Public Ministry was investigating the incidents, but no formal charges had been brought.

On June 22, a special congressional committee, created to investigate the killings of two protesters during a February 2009 agrarian strike in Ayacucho, released its final report that concluded it was not possible to prove that security forces caused the deaths. At year's end court proceedings continued against police officer Carlos Alberto Rodriguez Huamani.

Investigations into the June 2009 clashes between police and indigenous protesters in and around Bagua, Amazonas Region, which resulted in the deaths of 10 civilians and 24 police officers (see section 6, Indigenous People), concluded on January 25 and led to seven legal cases in which authorities were investigating 96 indigenous and mestizo persons on kidnapping and homicide charges at year's end. Several human rights organizations complained that investigators failed to question key authorities and most of the 222 police involved and that defendants lacked interpreters.

There were no developments in the September 2009 case of security force members who shot four persons attempting to impede Coca Eradication Agency workers in Bolson Cuchara, Huanuco Region. One of the shooting victims died.

There were no developments in a prosecutor's investigation into the 2008 killings of four persons and the disappearances of two children during an antiterrorist operation by security forces in the Rio Seco area of the Apurimac and Ene River Valleys (VRAE).

The trial of former intelligence service director Vladimiro Montesinos, former armed services chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio Montesinos—for alleged extrajudicial killings following the 1997 rescue of 74 hostages at the Japanese ambassador's residence—resumed in March and continued at year's end. A former Japanese diplomat, who was among the hostages, testified again in December that he saw at least three hostage-takers alive at the time of the rescue.

On January 3, the Supreme Court of Justice announced its December 30, 2009, decision to uphold the sentencing of former president Alberto Fujimori to 25-years' imprisonment for authorizing the mass killings in 1991 at Barrios Altos and in 1992 at La Cantuta as well as the kidnapping of journalist Gustavo Gorriti in 1992. At year's end Fujimori remained in prison concurrently serving this sentence and others imposed in 2009 and earlier.

On October 1, the First Special Penal Court convicted members of the paramilitary "Colina Group" of the killings at Barrios Altos and El Santa and the killing of journalist Pedro Yauri in the early 1990s and sentenced them to prison terms ranging from 15 to 25 years. Vladimiro Montesinos, Nicolas de Bari, Julio Salazar, and Juan Rivero—then leaders of the intelligence service—were among the convicted. The court determined that the group received financial and logistical support from the military and the presidency.

Juan Manuel Rivera-Rondon, implicated in the 1985 killings of 69 villagers during a military raid in the village of Accomarca, remained in custody while on trial in the Third Supraprovincial Court. Meanwhile, Telmo Ricardo Hurtado Hurtado, also implicated in the massacre, remained in a foreign country pending the outcome of extradition proceedings.

The Public Ministry continued investigating a mass grave of unknown date discovered in 2006 in Pichari, Cusco Region. The Government's Institute of Legal Medicine (IML) awaited DNA results to help identify 25 of the exhumed bodies; another 36 of the 83 bodies exhumed through June were identified, and five were returned to their families.

During the year the Peruvian Forensic Anthropology Team identified 12 of the 37 bodies connected to the 1984 Huanta Stadium case that were found in a clandestine mass grave in Pucayacu, Ayacucho Region. Analysis of the remains began in December 2009.

Human rights activists asserted throughout the year that the National Penal Court, the highest court handling human rights cases against military personnel, proceeded slowly and tended either to acquit or issue lenient sentences. However, there was no consensus on whether a climate of impunity existed for military personnel accused of abuses: some claimed judges were subjected to subtle pressure, such as strong public statements supporting the military, but not to direct governmental interference; others attributed the situation to prosecutorial failure to prepare strong cases, rather than to political pressure.

During the year members of the two Shining Path terrorist organization factions conducted 136 terrorist acts in remote coca-growing areas that resulted in the killings of six police officers, nine soldiers, and 10 civilians in the Upper Huallaga Valley. There were credible reports that women and children (see section 6, Children) participated in Shining Path operations in order to attempt to thwart security-force responses or to underpin allegations of abuse by those forces.

b. Disappearance.—There were no reports of politically motivated disappearances during the year, and there were no known developments in the 2008 disappearances of two children in the VRAE region (see section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices. There were reports that security officials used excessive force, and authorities seldom punished those who committed such 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 nongovernmental Human Rights Commission (COMISEDH), some victims were reluctant to pursue judicial proceedings for fear that members of the security forces allegedly involved in abuses would be released without being charged. COMISEDH reported that 30 cases of claimed aggravated torture by security forces had been reported to provincial prosecutors.

On September 16, the Pisco Superior Court sentenced four former members of a neighborhood watch patrol (Serenazgo) (Felix Angel Guerrero Cana, Cesar Rogger Felipa Ortiz, Juan Guillermo Moreno Solis, and Pedro Eusebio Mayhua Quintanilla) to five years in prison and a fine for the October 2008 torture of alleged thief Saul

Conislla Manrique. The ruling was the first such conviction against Serenazgo members.

Prison and Detention Center Conditions.—Prison conditions were harsh for most of the country's 45,599 inmates, of whom 2,784 were women, 985 were juveniles ages 18-19 years. The National Penitentiary Institute (INPE) operates 57 of the country's active prisons, while the Peruvian National Police (PNP) has jurisdiction over 14. Prisoners with money had access to cell phones, illegal drugs, and meals prepared outside the prison; prisoners who lacked funds experienced much more difficult conditions. 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. There was basic medical care at most prisons, but there were complaints that inmates had to pay for medical attention. There was also a lack of doctors; only 54 doctors worked at the country's 71 prisons, with 34 based in the capital city area. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels. The San Juan de Lurigancho men's prison held 8,730 prisoners in a facility designed for 3,204.

Prisons for women were also overcrowded and marked by conditions similar to those for men. In an INPE-operated facility for women opened in 2008, prisoners continued to complain about dormitory-style sleeping quarters. INPE operated a high-security prison in the jungle area of Iquitos that was in poor condition and remained under renovation.

Prison guards and fellow inmates reportedly abused prisoners. Guards received little or no training or supervision. There were killings in prisons, most attributed to fellow inmates. In addition, during a December inspection in Lurigancho prison, authorities found the body of Leslie Dayan Paredes, a visitor, in the cell of her boyfriend. The inmate, Jackson Sanford Staling Conket, confessed to killing Dayan and hiding her body when she visited him in August, and authorities suspended police personnel for failing to notice that she never checked out of the prison.

By December authorities had sentenced only 18,223 of the 45,599 persons held in the country's facilities (see section 1.d., Arrest Procedures and Treatment while in Detention). Authorities held these detainees temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Palace of Justice and in most cases with convicted prisoners.

The Government permitted monitoring visits by independent human rights observers. International Committee of the Red Cross officials during the year made 48 unannounced visits to inmates in 19 prisons and detention centers in accordance with standard modalities and met with a total of 222 persons (69 women) of the 712 persons detained in those facilities. The Office of the Human Rights Ombudsman also made regular visits to both Lima and provincial prisons. The ombudsman urged the Government to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the charged offense.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated such complaints and documented the results in a publicly accessible manner. The ombudsman reported that most complaints stemmed from not being released on time due to the slow judicial process and INPE administration, not due to inhumane conditions, and that the number of such complaints during the year diminished because of improved INPE recordkeeping. Human rights advocates maintained that the Government failed to allocate the resources needed to monitor and improve prison conditions and criticized INPE leadership for lacking competence.

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

Role of the Police and Security Apparatus.—The PNP, with an officer and enlisted force as of September of approximately 100,000, 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 organizational structure comprises directorates that specialize in specific areas (such as kidnapping, counternarcotics, and counterterrorism) and local police units. Each region, province, district, city, and town has a PNP presence.

On October 7, the president launched the Citizen Security Initiative, a first-time meeting of national government authorities, the PNP, and newly elected local officials aimed at improving citizen safety.

Observers noted that the PNP was undermanned and its members lacked training and professionalism. According to an October 21 Ombudsman's Office report, 30 percent of police stations lacked basic equipment and infrastructure, thus placing PNP officials and the public at risk and undermining PNP capability. More than 50 percent of police stations inspected did not have sufficient vehicles, weapons, or gasoline, and more than 30 percent lacked sufficient communications equipment.

The armed forces, with approximately 115,000 personnel, are responsible for external security under the authority of the Ministry of Defense but also have limited domestic security responsibilities, particularly in the VRAE region.

Corruption and a high rate of acquittals for military personnel accused of crimes remained problems (see section 4). The Ministries of Interior and Defense employ internal mechanisms to investigate allegations of abuses by security forces. The Public Ministry conducts investigations, although access to evidence held by the Ministry of Defense was not always forthcoming. The ombudsman is another mechanism, although she may only refer a case to the Public Ministry.

On September 1, the Government adopted four executive decrees relating to security-force activities and the procedures for civilian court investigations of military and police actions. Decrees 1094 and 1096 established a military justice system. Decree 1095 established rules for the use of force by the military in situations of non-international armed conflict. At presidential request, Congress rescinded one of the decrees (Decree 1097) on September 14 at the urging of domestic and international human rights and civil liberties organizations, which maintained the decree would have applied a 2003 statute of limitations and could have granted virtual amnesty to some security-force members accused of human rights abuses committed during the 1980s and 1990s. (Nobel Laureate Mario Vargas Llosa resigned in September as president of the Museum of the Memory Commission in protest over the decree.) Human rights activists claimed that the three other decrees remaining in force created a culture of security-force impunity. In particular, activists raised concerns that Decree 1095, which some claimed is unconstitutional, expands the rules of engagement for military personnel to permit the use of force during societal conflicts that take place in areas in which no state of emergency has been declared.

The PNP is charged with witness protection responsibilities but lacked resources to provide officer training, conceal identities, or offer logistical support to witnesses. Officers often used their own homes to protect witnesses.

Arrest Procedures and Treatment While in Detention.—The law permits police to detain persons for investigative purposes. Persons were apprehended openly. The law requires a written judicial warrant based on sufficient evidence for an arrest unless the perpetrator of a crime is apprehended in the act. Only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, for which arraignment must take place within 15 days. In remote areas arraignment must take place as soon as practicable. Military authorities must turn over persons they detain to the police within 24 hours. 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; authorities respected this requirement in practice.

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 family members and to a lawyer of their choice. Police may detain suspected terrorists incommunicado for 10 days. The Ministry of Justice provided indigent persons with access to an attorney at no cost, although these attorneys were often poorly trained. Several nongovernmental organizations (NGOs) worked with the ministry to improve their skills.

Lengthy pretrial detention continued to be a problem. According to INPE statistics, as of October 60 percent of those in prison were awaiting trial, the majority for between one and two years. The law requires release of prisoners who have been held more than 18 months without being tried and sentenced; the period is extended to 36 months in complex cases.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice. NGOs and other analysts complained that the judiciary was politicized and corrupt (see section 4).

The 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 (excluding those chosen by popular election) who have served in their positions for at least seven years. Withdrawal of CNM certification permanently disqualifies a judge or prosecutor.

The National Penal Court continued investigating cases involving allegations of human rights abuses by security forces during the internal conflict with the Shining Path and the Tupac Amaru Revolutionary Movement (MRTA) in the 1980s and 1990s. Several cases referred by the Truth and Reconciliation Commission remained pending with the court, but only a few involved active investigations.

Trial Procedures.—The justice system is based on the Napoleonic Code. A prosecutor investigates cases and submits an opinion to a first-instance judge, who determines if sufficient evidence exists to open legal proceedings. A 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. The Ministry of Justice provided indigent defendants with access to an attorney at no cost, although these attorneys were often poorly trained. Defendants and their attorneys generally have access to government-held evidence related to their cases for recent crimes, except in cases connected to human rights abuses of the period 1980-2000 and particularly with respect to those involving the Ministry of Defense. Although citizens have the right to be tried in their own language, language services for non-Spanish speakers, who comprise a substantial number of persons in the highlands and Amazon regions, were sometimes unavailable (see section 1.a.). Defendants may appeal verdicts to a superior court and then to the Supreme Court. The Constitutional Tribunal decides cases involving such issues as habeas corpus.

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

Regional Human Rights Court Decisions.—The Inter-American Court of Human Rights issued seven follow-up orders during the year to monitor the country's compliance with earlier decisions, all of which involved acts during the Fujimori administration. In the following two cases, the Government fulfilled none of the required actions, which included paying damages as ordered and publishing sentences in the daily register: (1) the case involving Gustavo Cesti Hurtado, a former army captain who was jailed for two years in 1998 after being illegally tried in a military court despite being retired; and (2) the case involving the 1992 extrajudicial killings of 42 accused Shining Path members and the injury of many others at Miguel Castro Castro Penitentiary. Additional cases involved a forced disappearance, the mass firing of congressional workers, a revocation of citizenship, and two arrests without cause.

In all the cases, the Inter-American Court of Human Rights specified timing for the Government to report compliance progress. For two cases—those of Cesti Hurtado and Ivcher Bronstein (a naturalized citizen stripped of citizenship after his television station aired programming opposing the Fujimori administration)—the deadline was in 2010, but no such report was issued by year's end in either case. For the remaining cases, the follow-up report was due in 2011.

On April 20, the Ministry of Justice paid a total of 2.1 million soles (approximately \$740,000) in court-ordered compensation to relatives of the forcibly disappeared Santiago Gomez Palomino, to relatives of victims of the La Cantuta mass killings, and to two victims of torture and inhumane treatment (Bernabe Baldeon Garcia and Luis Alberto Cantoral Benavides)—all incidents that occurred in 1992.

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 continued for years. Press reports, NGOs, and others alleged that those outside the judiciary frequently corrupted or influenced judges (see section 4).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. There were reports, however, that authorities sometimes entered private dwellings before obtaining a warrant. There were no known cases of the Government monitoring private communications.

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 national government generally respected these rights. However, there were instances of harassment of the press, including attacks directed against journalists by regional and municipal authorities and police.

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 reported experiencing threats or intimidation. By December 15, the National Journalists Association reported 194 cases of harassment during the year (up from 180 cases for the same period in 2009) and the Institute of Press and Society issued 85 alerts (up from 82 for the same period in 2009). Of the harassment cases reported by the National Journalists Association, 63 involved harassment by civilian authorities and 27 were committed by police and military personnel. The Inter American Press Association periodically expressed its concern about attacks on freedom of expression in the country. Most incidents involved threats; judicial and administrative pressure, including revocation of licenses; and physical violence. Among the incidents reported by the country's journalist associations were the following:

On February 2, in Chimbote, Ancash Region, members of the Cuenta Conmigo party of regional president Cesar Alvarez beat newspaper journalists Paul Meza Castaneda (Correo) and George Vergaray Sanchez (La Industria de Chimbote) who reported Alvarez's failure to appear at a judicial hearing about his alleged involvement in a woman's accidental death in 2009.

On February 12, in Lima, Constitutional Tribunal judge Raul Rosales More aimed a gun at photojournalist Carlos Saavedra of Caretas magazine after public criticism of a controversial sentence commutation.

On February 27, police in Barranco District, Lima Province, beat and arrested newspaper reporter Jose Puga (El Comercio) and freelance photographer Jean Marco Cordova for covering alleged police repression against individuals holding an illegal party.

On June 5, in Iquitos, Loreto Region, the director of the La Voz de Nauta program of Radio Anaconda, Salomon Valle, received anonymous telephone death threats that demanded he withdraw his complaint against the Nauta police station chief, Major Armando Ludena, for allegedly seducing a minor. Valle had published photographs of the alleged act on Radio Anaconda's Facebook page.

On August 18, after an Institute of Press and Society appeal and NGO allegations of political motivation, the Ministry of Transport and Communications reinstated the operating license of Radio La Voz in Bagua, Amazonas Region, which it had suspended in June 2009 after accusations the station incited violent and deadly protests (see section 1.a.).

On November 15, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) stated its general concern about the country's use of defamation charges against those who denounce or express critical opinions about public officials. The office also declared its particular concern about the criminal defamation case brought against Lima Mayor-elect Susana Villaran, prior to her run for office, for publishing an Internet article in 2009 concerning a 2004 accusation of corruption against a government minister. After Judge Benjamin Enriquez Colfer procedurally remanded the case to Judge Carmen Nancy Choquehuanca, at year's end the case continued. In another defamation case, the Supreme Court ordered the release from prison in June of Nor Oriente regional weekly newspaper editor Alejandro Carrascal Carrasco after he had served five months of a one-year sentence for libeling a local official.

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 31 Internet users per 100 inhabitants in 2009.

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 of freedom of assembly, and the Government generally respected this right in practice. However, the Government maintained emergency zones and suspended the freedom of assembly and other freedoms in coca-growing areas where Shining Path terrorists operated. The emergency zones were located in Ayacucho, Cusco, Huancavelica, and Junin regions.

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. Police used tear gas and occasional force to disperse protesters in

various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent, and some deaths and injuries resulted (see section 1.a.).

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 maintained emergency zones where it restricted freedom of movement in several provinces, an effort it stated was designed to ensure public peace and restore internal order (see section 2.b., Freedom of Assembly).

Narcotics traffickers and Shining Path members at times interrupted the free movement of persons by establishing roadblocks in sections of the Upper Huallaga Valley and the VRAE region. Occasionally protesters blocked roads to draw public attention to grievances.

The law prohibits forced exile, and the Government did not engage in such practice.

Internally Displaced Persons.—There were no major incidents of internal displacement during the year, and the situation of existing internally displaced persons (IDPs) continued to be difficult to assess. According to the Office of the UN High Commissioner for Refugees (UNHCR), the number of IDPs remained unknown, because officials registered relatively few. The Internal Displacement Monitoring Center reported that the Government had estimated in 2007 that approximately 150,000 persons remained internally displaced from the conflict between security forces and the Shining Path and the MRTA during the period 1980-92; however, during the year there was no evidence of a continuing problem (see section 5).

Protection of Refugees.—The law provides for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Government cooperated with the UNHCR Office 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. For the year the UNHCR reported 264 pending refugee requests and 1,146 refugees who the Government recognized.

Stateless Persons.—Citizenship is derived either by birth within the country's territory or from one's parents. If overseas, parents must register their child's birth by age 18 in order for the child to obtain citizenship. The law provides all citizens with the right to a name, nationality, and legal recognition, and it also provides for other civil, political, economic, and social rights. An estimated 226,000 citizens, however, lacked identity documents and could not fully exercise these rights. 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. Poor women who gave birth at home often could not pay the fees associated with registration.

In an effort to lower infant mortality rates, the Ministry of Health provided free registration for women who gave birth in clinics or hospitals.

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 promptly.

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 assumed the presidency after two rounds of presidential elections that were considered free and fair. In those elections, the president's APRA party won 36 congressional seats. Presidential and congressional terms are five years, and the law prohibits the consecutive reelection of a president.

Domestic and international observers declared the October 3 nationwide regional and municipal elections to be fair and transparent, despite a few local incidents of violence and long delays in vote counting in some areas.

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. Groups that advocate violent overthrow of the Government are barred from participating in the political process. In the October elections, there were no parties that so advocated, although a few candidates were former members of such groups.

There were 32 women in the 120-member unicameral Congress. Three of 17 cabinet members were women, as was one of the 16 justices of the Supreme Court. The law mandates that at least 30 percent of the candidates on party lists be women, and the parties complied. However, many female candidates were low on the lists. The municipality of Lima elected its first female mayor on October 3.

There were 23 Quechua and two Aymara speakers in Congress. Two members of Congress identified themselves as Afro-Peruvians.

Section 4. Official Corruption and Government Transparency

The law criminalizes official corruption; however, the Government did not always implement these legal provisions effectively. World Bank indicators reflected that government corruption was a serious problem, and there was a widespread perception that corruption was pervasive in all branches of government.

On November 18, Congress approved a law that provides independent authority to the Office of the Comptroller General (OCG) to sanction public officials who commit corrupt acts and that specifies penalties, including temporary suspension and termination of employment and handling a case as a criminal infraction. Previously the OCG was empowered only to recommend punishment to leaders of each department and agency of government for their decision, which resulted in many corrupt public officials avoiding punishment.

Corruption in prisons was a serious problem, and in some cases guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons.

There were several reports of military corruption, impunity, and resistance to providing information on military personnel under investigation for human rights abuses committed during the country's internal armed conflict. Security forces sought to strengthen accountability with training in human rights and the revision of disciplinary procedures but were doing so slowly.

Fernando Barrios, appointed interior minister in October, resigned after a local newspaper reported that he received a large, irregular severance supplement upon resigning as the head of the National Social Security Service. Members of Congress called for a full investigation of the supplement's legality, and Barrios testified before lawmakers, but by year's end there had been no determination.

Numerous members of Congress were involved in scandals during the year, but most cases were deemed ethics violations and handled through internal congressional investigations and discipline. The judiciary investigated a few of the cases, but authorities made no arrests. In the 2009 case of Alas Peruanas, a private university under investigation for financing travel of several members of Congress, two Supreme Court justices faced a disciplinary process by the National Council of Magistrates. The council found the justices guilty of an infraction, a verdict that was upheld on appeal. The justices were reprimanded, and no other proceedings were expected.

Allegations of widespread corruption in the judicial system continued. Experts voiced concerns about increasing politicization of the judiciary during the current administration. In August the Judicial Defense Council, an executive branch multi-sectoral consultative council, in a report sent to the Prosecutor's Office, the Office of Magisterial Oversight, and the Supreme Court, identified and criticized a network of corruption in the judiciary and named 116 magistrates, some of whom allegedly were linked to narcotics trafficking. None of the report's recipients took action explicitly in response to the report, although the Magisterial Oversight Office investigated and suspended some judges. In December a panel of Supreme Court justices elected self-avowed corruption fighter Cesar San Martin as president of the judicial branch and the Supreme Court.

The scandal labeled "Petroaudios"—the 2008 public release of audiotapes suggesting government kickbacks associated with oil concessions and the subsequent

arrest of former government minister Romulo Leon and Perupetro's Alberto Quimper Herrera—led to investigations that were completed during the year. At year's end Leon remained in jail, Quimper was under house arrest, and a trial was expected to start in 2011.

The January 2009 arrests of several individuals (including former navy officers) for illegal wiretapping related to Petroaudios as well as further investigation revealed illegal wiretapping of members of Congress, judges, and other high-profile individuals. The perception persisted that the judiciary sought to limit the scope of the investigations, and some of the wiretapping evidence was reported during the year as lost or altered. On September 8, the investigation by the judiciary's Comptroller's Office concluded that police and Prosecutor's Office staffs did not properly manage sensitive information; at year's end a judicial investigation continued.

On December 30, 2009, the Supreme Court upheld the convictions of former president Fujimori on embezzlement, bribery, and other charges (see section 1.a.).

Most public officials are subject to financial disclosure laws and must submit personal financial information to the OCG prior to taking office and periodically thereafter.

The law provides for public access to government information, and most ministries and central offices provided 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 their compliance with the requirement for public hearings at least twice a year.

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

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. NGOs seeking information from military commanders had to work through the Ombudsman's Office.

The Government's Reparations Council continued assisting persons who suffered during the 1980-2000 conflict with the Shining Path and the MRTA. The council compiled a registry of victims, which included more than 84,000 individuals and 5,600 communities eligible for reparations benefits. The Ministry of Women and Social Development (MIMDES) also maintained a registry specifically for IDPs that included approximately 5,000 individuals. A number of victims and family members lacking proper identity documents had difficulties registering their eligibility for reparations.

The Government cooperated with international governmental organizations and permitted visits by UN representatives. The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism—who conducted a fact-finding mission in September and was scheduled to present his findings and recommendations to the UN Human Rights Council in March 2011—raised concerns about relatively frequent state-of-emergency declarations in the country and derogations from human rights obligations because of terrorism.

The Office of the Human Rights Ombudsman operated its 28 offices and 10 satellite sites without government or party interference and was considered effective, although it lacked adequate resources. During the year the office issued four reports with recommendations on sustainable forestry policy, children's rights, access to rural electrification, and police-station conditions. The Government took account of these recommendations in differing degrees.

Congressional committees included the Justice and Human Rights Committee and a committee for health, population, family, and persons with disabilities. They made no reports and had limited policy impact; credible NGOs did not consider them valuable beyond their legislative functions.

On November 4, the president and other dignitaries laid the first stone of the Museum of the Memory dedicated to the victims of the 1980-2000 internal conflict.

Section 6. 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 persisted.

Women.—The law criminalizes rape, including spousal rape, but enforcement was not effective. MIMDES reported 4,253 cases of rape during the year; there were no available statistics on 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 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 were victims of domestic violence.

Violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse remained a problem. Insensitivity on the part of law enforcement and judicial authorities toward female victims contributed to a societal attitude of permissiveness toward abuse. A trend developed during the year of media stories on the mistreatment of women. In some instances such coverage compelled authorities to take legal action after initially declining to do so. For example, in the August case of a woman whose husband threw boiling water on her, by year's end authorities jailed the husband pending trial. MIMDES reported that there were 80 femicides and 29 attempted killings of women for the year through September.

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 short supply of victim shelters.

MIMDES operated the Women's Emergency Program, which included 114 centers that combined police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse. It also sought to address the legal, psychological, social, and medical problems facing victims of domestic violence. The level of public services fluctuated daily; for example, 920 persons received attention on July 22, and 1,095 persons received attention on December 20 (most individuals were follow-up cases). A 2009 ombudsman report on the centers highlighted the Government decentralization process and challenges the centers faced, such as a lack of qualified professionals. MIMDES also operated a toll-free hotline that answered a monthly average of 1,543 calls through November.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence, but the ombudsman asserted that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate such complaints.

Sexual harassment was a problem. The law defines sexual harassment as a labor-rights violation subject to administrative punishment, which depends on the professional situation in which the violation occurred. Government enforcement was minimally effective.

Couples and individuals had the right to decide the number, spacing, and timing of their children free from discrimination and generally had the means and information to do so. Access to information on contraception and family planning was high, according to a National Institute of Statistics and Information demographic and family-health survey that included figures for the first half of the year: 99.5 percent of women were aware of some family-planning method, although only approximately half were using a modern method. The NGO Population Reference Bureau listed the use of all methods of contraception among married women ages 15-49 at 73 percent. The availability of skilled attendance at delivery varied widely between urban (93.7 percent of births) and rural (58.7 percent of births) areas. According to the UN Population Fund, in 2008 there were an estimated 98 maternal deaths per 100,000 live births per year. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV, and according to Demographic and Health Surveys, had approximately the same level of knowledge about those infections.

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; however, 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. Women 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. According to a 2010 World Economic Forum survey, women were paid 38 percent less than men for comparable work.

Children.—Citizenship is derived either by birth within the country's territory or from one's parents. There were problems with government registration of births (see section 2.d.). Although this did not cause denial of public services, it limited access to social welfare programs and public health services.

The constitution stipulates that primary and secondary education is free. However, citizens and NGOs asserted neither was completely free in practice, and fees for parental associations, administration, and educational materials greatly reduced access for lower-income families.

Violence and sexual abuse of children were serious problems. MIMDES reported 1,768 cases of violence or sexual abuse of children five years of age and younger and 4,216 cases of abuse of children ages six to 11 during the year. Many abuse cases went unreported because societal norms viewed such abuse as a family problem to be resolved privately. The Women's Emergency Program received information through child-rights and welfare-protection offices and worked to help child victims of violence.

The MIMDES Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, more than 1,300 child-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 half 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 Public Ministry's local prosecutor offices, whose adjudications were legally binding and had the same force as court judgments.

The law prohibits child prostitution, penalizing perpetrators with five to 12 years in prison. The country was a destination for child sex tourism, with Cusco and Iquitos as the principal locations. Involvement in child sex tourism is punishable by two to eight years in prison. The Foreign Trade and Tourism Ministry ran publicity spots to disseminate information about the problem.

Statutory rape law stipulates different rape offenses, including rape of a minor younger than 14 years, with penalties ranging from six years to life in prison. The penalty for involvement in child pornography is four to eight years' imprisonment and a fine.

Children continued to be used in armed combat, mainly in those parts of the country plagued by narcotics trafficking and terrorism. The March petition to the IACHR by the NGO National Coordinator for Human Rights (CNDDHH) claimed that both the Shining Path groups in the VRAE region and the country's armed forces recruited children. Documentation of the Shining Path recruitment surfaced in November after digital-camera photographs found at the site of an October government raid on a suspected Shining Path narcotics-trafficking unit showed children ages five to 16, many of them armed with automatic weapons, apparently as part of a group led by Leonardo Huaman Zuniga (or "Alipio"), a notorious Shining Path leader known for bloody ambushes. It was thought that children such as those were sometimes kidnapped from local towns and were sometimes the children of Shining Path members.

The country's military, no longer a conscripted force, bars minor children from being enlisted. However, according to the CNDDHH, there continued to be credible reports of children under age 18 in the armed forces, most apparently minors who misrepresented their ages. According to the CNDDHH, the youths most at risk of being recruited were in the country's poorest areas, and they were also those most often sent patrolling in the VRAE area, which put them particularly at risk of death or injury. In March government representatives met with IACHR officials to discuss the CNDDHH petition, but it remained unclear whether the Government complied with the IACHR request for a written status report. A June report by the NGOs CNDDHH and Save the Children stated that the Government and the military had not done enough to end child recruitment; however, the NGOs also cited continuing efforts by the army commander, who in May 2009 assured them that he had ordered the discharge of approximately 1,000 adolescents and an end to the recruitment of minors. During the year the Government incorporated proposals, which were developed by the National Commission for the Study and Application of International Humanitarian Law (in which the CNDDHH was an observer), into a draft law to prevent children from serving as soldiers and submitted it to Congress.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was a Jewish population of approximately 4,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—The constitution addresses social security, health, education, and employment matters for persons with disabilities as well as their right to engage in business, trade, and industry. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office. In addition the law mandates that Internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries. The law prohibits discrimination against persons with disabilities and establishes infractions and sanctions for noncompliance with specified norms.

However, the Government devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. Government at the national, regional, and local levels 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 majority of government Web sites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation.

A report during the year by the Ibero-American Federation of Ombudsmen, a group headed by the country's ombudswoman, Beatriz Merino, highlighted the gap between policy and implementation and pointed out measures not taken since the 2007 ratification of the UN Convention on the Rights of Persons with Disabilities. The report also pointed out the lack of enforcement of accessibility standards in buildings and public transport and noted that mainstream schools were not prepared to incorporate students with disabilities, despite being encouraged to do so by the Government.

The Government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was insufficient to care for all patients. The Ombudsman's Office reported in 2009 that the Government did not adequately protect the rights of persons with mental illnesses, inhumanely treated institutionalized patients, discriminated in the provision of health and social services, and failed to ensure informed consent.

The Ombudsman's Office tracked instances of abuse of persons with disabilities in educational facilities. A 2000 report identified 38 cases of mistreatment of students with disabilities in special-education facilities, but there was no statistic for mainstream schools. A 2007 report stated that 15.6 percent of teachers and 15.7 percent of students reported cases of abuse of children with disabilities in their mainstream schools.

The MIMDES National Council for the Integration of Persons with Disabilities (CONADIS) is responsible for protecting the rights of such persons. CONADIS continued to work with the NGO Sense International to provide educational, vocational, and training services to meet the needs of hearing- and sight-impaired persons, integrate them into society, and foster increased public awareness.

CONADIS, in collaboration with the Ministry of Economy and Finance, established during the year a Strategic Program Design in which municipalities were authorized, but not mandated, to use 0.05 percent of their budget for construction, repairs, or modifications that would improve accessibility to urban infrastructure, including municipal buildings. CONADIS also released suggestions for the incorporation of resources and expenses to address the rights of persons with disabilities during the planning and budgeting process of government agencies.

In 2009 MIMDES developed an Equal Opportunity for Disabled Persons Plan for 2009-18, meant to be a strategic plan across various government agencies, to promote the rights of persons with disabilities based on four fundamental pillars: health, employment, education, and social development. A multisectoral commission was created by executive decree to monitor and evaluate progress. According to comments by the Ombudsman's Office in December, the plan was insufficiently strategic, only involved four of the seven-plus targeted agencies, lacked a budget, and did not specify indicators for measuring progress. The monitoring and evaluation commission did not include representatives from organizations for 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.

In actuality, however, the large minority of individuals of African (Afro-Peruvian) descent faced societal discrimination and prejudice. Afro-Peruvians generally did not hold leadership positions in government, business, or the military. Few Afro-Peru-

vians served as officers in the navy or the air force, although one Afro-Peruvian general officer worked in the presidential palace. Despite the law prohibiting the mention of race in job advertisements, NGOs alleged that employers often found ways to refuse hiring Afro-Peruvians or to relegate them to low-paying service positions. Employers often required applicants to submit photos.

Media often used stereotypes in portraying Afro-Peruvians. On April 7, a local television channel announced the suspension, but not the elimination, of the "Black Mama" character from its weekly humor show. This role long offended some viewers for its negative portrayal of the Afro-Peruvian community.

Indigenous People.—The Government did not provide sufficient resources to protect effectively the civil and political rights of indigenous persons, and indigenous communities continued to be politically, economically, and socially marginalized.

The constitution and the law provide that all citizens have the rights to use their own language before any authority by means of an interpreter and to speak their native language. Spanish and Quechua are official languages, but the Government also recognizes 49 other indigenous languages. In Congress native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers). In August Congresswoman Hilaria Supa, a native Quechua speaker, became the chair of the Congressional Committee on Education. The National Program of Mobilization for Literacy continued teaching basic literacy and mathematics to poor men and women throughout the country. However, 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, since they did not have access to government offices or could not pay the necessary bribes to obtain them. Without identity cards, they were unable to exercise basic rights, such as voting and gaining access to health services and education. The infant mortality rate was higher in rural areas where most indigenous persons lived (27 deaths per 1,000 live births), compared with the rate in urban areas (17 deaths per 1,000 live births), a difference mainly related to the economic situation and low education of indigenous persons. Public health centers were located primarily in urban areas, but the Government was in the process of expanding them to rural areas during the year and incorporating roving teams.

While the constitution recognizes that indigenous persons have the right to own land communally, 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, which should prevent the reassignment of indigenous land titles to nonindigenous tenants. However, some indigenous community members sold land to outsiders without the majority consent of their community. Moreover, in the absence of an effective representative institution, there were continuing societal conflicts between indigenous and nonindigenous persons, particularly concerning environmental issues and extractive industries.

Additionally, mineral or other subsoil rights belong to the state, a situation that often caused conflict between mining interests and indigenous communities. For example, the Pluspetrol oil company reported oil spills into rivers of the Loreto Region in June and September which sparked protests in Amazonian communities. A September 16 demonstration against the construction of a dam in the Majes Siguan project in Espinar Province, Cusco Region, resulted in casualties (see section 1.a.). On December 12, the Centauro mining company ceased operations due to protests by members of surrounding communities in Catac, Ancash Region.

Indigenous community representatives attributed the deadly June 2009 clashes in and around Bagua, Amazonas Region, between security forces and demonstrators who were demanding repeal of certain legislative decrees, in part to the Government not consulting with indigenous community representatives prior to approval, as required by International Labor Organization (ILO) Convention 169 on Indigenous and Tribal Peoples (see section 1.d., Role of the Police and Security Apparatus). Four working groups established to address clash-related problems completed their tasks in December 2009. One of the groups led a series of consultative meetings during the year aimed at developing a new forestry law to replace the one that was repealed as a consequence of the clashes. On May 19, Congress approved a law requiring prior consultations with indigenous persons, including consultations on draft legislation affecting their communities. In June the president returned the law to Congress, maintaining among other objections that it awarded indigenous groups veto power over development projects; indigenous affairs experts did not agree with this conclusion. The Ombudsman's Office continued expressing support in October for the passage of the consultation law, and the law remained under congressional review at year's end.

On September 24, the newly created Ministry of Culture absorbed the ineffective National Institute for the Development of Andean, Amazonian, and Afro-Peruvian Peoples (INDEPA)—a government entity with the mission of formulating and adopting national development policies, programs, and projects. While the Government maintained that funding for programs related to indigenous persons would triple under the new arrangement, a number of indigenous organizations stated that they feared the new entity would be limited to cultural matters and be less effective than INDEPA in protecting indigenous rights.

Many indigenous persons and those with indigenous physical features faced societal discrimination and prejudice. They were often the victims of derogatory comments and subjected to illegal discrimination in public places, including restaurants and clubs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and such discrimination occurred. Government authorities, including police, sometimes harassed and abused LGBT persons.

On March 29, a court handed down a four-year suspended sentence against two police members for not assisting a transsexual person who was beaten and injured by a gang.

The case of the January 2009 kidnap and alleged torture of a transgender woman, known as Techí, by members of a neighborhood-watch patrol remained at year's end in the Second Court of Tarapoto.

On July 10, a gay pride march occurred in Lima. By law organizers must inform the Interior Ministry of their intention to hold a public gathering. There were no impediments or incidents related to the march, and police provided sufficient protection.

There were some instances of official and societal discrimination based on sexual orientation in employment, housing, statelessness, and access to education or health care during the year.

The Constitutional Tribunal determined in December 2009 that homosexuality is not an impediment to entry into the armed forces or the police when it ordered the police academy to reinstate an expelled student. The Ministry of Interior Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and referred explicitly to the rights of lesbian, gay, and transvestite individuals.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS faced extensive discrimination and harassment.

The Ministry of Health executed policies to combat discrimination based on HIV/AIDS status, including a four-year plan to prevent and control HIV/AIDS. Some of these policies enjoyed success, such as the treatment of HIV/AIDS, but observers noted that education and prevention programs needed strengthening.

Section 7. 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; however, the minimum membership required by law to form a union is often prohibitively high. (There is a minimum of 20 employees for a workplace-level union and a minimum of 50 employees for a sector-wide union.) Employers may not prevent employment because of union membership. Judges, prosecutors, and members of the police and military are not permitted to form or join unions. According to the international NGO Solidarity Center, temporary workers may join the same unions as permanent workers but face nonrenewal of their contracts. More than 72 percent of the 10.6 million-member labor force worked in the informal sector. During the year the Ministry of Labor and Promotion of Employment (MOL) announced that the number of unions registered nationwide increased from 866 to 941 or approximately 8.7 percent.

Many businesses hired temporary or contract workers who were effectively barred from participating in those firms' unions. The law forbids businesses from hiring temporary workers to perform core company functions, requires businesses to monitor their contractors, and imposes liability on businesses for the actions of their contractors. However, employers circumvented these restrictions in a number of ways. Allegations of abuse of subcontracted workers in the areas of wage and hour violations and associational rights continued to be reported. Abuses occurred in a number of industries, including in the seafood processing and cannery industry. For example, at Conservera las Americas S.A. de Paita, Piura Region, more than 1,000

subcontracted workers did not receive wage and hour benefits determined by law, as documented by the union that represented them.

Regulations limited the associational rights of workers in nontraditional export sectors (fishing, wood and paper, nonmetallic minerals, jewelry, textile, and agroindustry). For example, Legislative Decree No. 728 sets out nine different categories of employment contracts under which workers can be hired in response to particular circumstances. These types of contracts include temporary, project, or seasonal ones, which typically dissuade workers from unionizing. The MOL reported that there were 2.5 million workers with contracts under Decree No. 728 in 2009. Another decree allows employers to hire workers on a series of short-term contracts without requiring that the workers be made permanent. There were approximately 268,000 workers employed in nontraditional export sectors nationally, according to the MOL.

There have been frustrated attempts at organization by temporary workers in nontraditional export sectors, such as palm oil production. For example, a group of employees in a palm oil processing plant in Santa Lucia did not initially complain about serious workplace matters that allegedly included health and safety problems and gender-based harassment due to fear of losing their employment contracts. However, during the year the workers began to organize and requested an MOL inspection. In October workplace inspectors supported the laborers' claims and insisted that the company directly hire 300 workers; the company did not comply, according to a Solidarity Center report. The company resisted the workers' decision to strike in December and cut off a number of resources, including food, normally provided to employees. At year's end the situation remained unresolved.

The constitution provides for the right to strike with certain limitations. Unions in essential public services, as determined by the Government, must provide a sufficient number of workers during a strike to maintain operations. This level of employees is determined jointly by the union and labor authorities on an annual basis in the first trimester of the year. The law also requires strikers to notify the MOL before carrying out a job action.

During the year the Government declared eight out of 119 strikes legal. According to labor leaders, permission to strike was difficult to obtain, in part because the MOL feared harming the economy. The MOL justified its decisions to deem a strike illegal by citing union failure to fulfill the legal requirements necessary to strike. The law allows unions to declare a strike in accordance with its own statutes and also allows nonunion workers to declare a strike with a majority vote, so long as the written act is notarized and announced at least five working days prior to a strike. Workers who strike legally retain avenues for reinstatement that illegal strikers lose. However, all workers retain legal protections during the administrative procedure period, which means, in practice, that workers may conduct short, illegal strikes of up to 14 days with protection of the law. Dismissal of striking workers and delays in reinstatement of these workers, in both legal and illegal strikes, are the main repercussions that employers utilized to dissuade workers from going on strike.

Despite improved laws that facilitate workers' calling of a legal strike, employers continued to dismiss workers for exercising the right to strike. Drawn-out judicial processes and lack of enforcement following strike-related dismissals, however, threatened to nullify such improvements. During the year a domestic NGO drew on MOL data and stated that 84 percent of strikes were based on unenforced decisions, collective bargaining, noncompliance with legal norms or collective bargaining agreements, and dismissals (both general and from antiunion animus) and 16 percent were based on wage issues.

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.

Significant delays in the collective bargaining process due to employers' lack of interest in concluding agreements proved to be a common obstacle to compliance with worker rights to bargain collectively. Public-sector employers—such as the drinking water company in Piura and Lambayeque regions, the electricity company in Ica Region, the Federico Villarreal National University in Lima, and the National Superintendency of Tax Administration in Lima—did not bargain according to established timelines, resulting in no agreements for workers in those sectors by year's end.

Although a conciliation and arbitration system exists, union officials complained that the high cost of arbitration made it difficult to use. Also, many companies re-

fused to be bound by the decisions and appealed to the Constitutional Tribunal. Of the 639 registered collective bargaining agreement disputes in 2009, the MOL reported that 71 percent (454) were resolved that year: 398 by direct negotiation, 25 by conciliation, 24 by settlement, five by arbitration, and two by MOL administrative decision.

On January 15, Congress adopted a new labor procedure law (No. 29497) to improve the efficiency of resolving labor disputes. The new law, which entered into force on July 15 and whose implementation was not completed by year's end, requires that labor conflicts be resolved in less than six months, allows unions or their representatives to appear in court on behalf of workers, requires proceedings to be conducted orally and video-recorded, and relieves the employee from the burden of proving an employee/employer relationship. 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 new law, and employers engaged in antiunion practices. The International Trade Union Confederation (ITUC) noted in its 2009 annual report that the Law of Productivity and Competitiveness legalizes unfair dismissals by giving companies the right to fire employees without justification, if they offer severance pay fixed by law. The ITUC alleged that under this law employers pressured unionists to accept severance pay and threatened them with nonrenewal of contract.

In August labor unions, including the General Confederation of Workers of Peru (CGTP), reported the dismissal of more than 4,000 workers during the last four and a half years from a range of economic sectors for union-related activities. For example, Diamante factory, a fish-processing plant operating in Chancay and Pisco, dismissed unionized employees for reasons unrelated to work performance according to the CGTP.

There are no known special laws or exemptions from regular labor laws in export processing zones (EPZs), although in actuality businesses in the four EPZs had more legal flexibility in hiring temporary labor. According to the MOL, there is one recognized public-sector union with 122 members in one EPZ. All labor in the EPZs (estimated at no more than 500 workers) was subcontracted.

c. 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. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The ILO estimated in 2006 that 20-40,000 individuals worked as forced laborers, primarily in the logging industry in two provinces in the Amazonas Region. The ILO Committee of Experts in 2008 observed that forced labor practices, including slavery and debt bondage, affected many workers from indigenous communities and called upon the Government to take the necessary measures in law to criminalize and repress forced labor practices. At year's end the Government's response was not known.

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; however, in practice child labor remained a serious problem, especially in the informal sector. The ILO estimated that during the year there were approximately 3.3 million working children in the country, with 70 percent (2.3 million) working in the worst forms of child labor. Child labor was a serious problem in informal sector activities of gold mining, brick and fireworks manufacturing; stone extraction; and the production of timber, Brazil nuts, and coca. According to the country's media reports, children worked in hazardous conditions, including approximately 141,000 on the streets, 101,000 at night, and 87,000 with trash. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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.

On April 20, MIMDES published Decree No. 003-2010 that approved a list of the worst forms of child labor. This decree differed from its predecessor as the list may be modified as necessary. Specifically prohibited are a number of occupations considered hazardous for children, including 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 Office of Labor Protection for Minors may issue permits authorizing persons under age 18 to work legally. During the year the MOL granted 520 such permits to children between ages 14 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child. In many cases the child worked alongside the parents in a family business, usually in areas and sectors identified above.

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 that violated labor laws. From January through October, authorities fined 11 businesses 17,746 soles (approximately \$6,300) for hiring 14 minors illegally or without seeking the proper authorization.

Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. There were 412 labor inspectors (213 in Lima) whose inspections focused on the formal sector.

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 MOL instituted several programs aimed at improving access to legal work for youth, including the ProCerti and ProJoven programs to educate youth regarding, respectively, their rights to work and training in a variety of employable skills.

e. Acceptable Conditions of Work.—In November the statutory monthly minimum wage was increased from 550 soles (approximately \$196) to 600 soles (\$215), an amount that did not provide a decent standard of living for many families. The Government estimated the poverty line to be approximately 257 soles (\$92) a month per person, although it varied by region. The MOL enforced the minimum wage only in the formal sector, which employed approximately 30 percent of the labor force, and many workers in the unregulated informal sector, most of whom were self-employed, received less.

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 generally complied with the law.

A decree defines acts of discrimination against domestic workers. Employers frequently required long hours from domestic workers and paid low wages. During the year the MOL launched an extensive campaign to inform domestic workers of their rights.

Although occupational health and safety standards exist, the Government often did not devote sufficient personnel, technical, and financial resources to enforce them. 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 efficient tracking system and at times due to a lack of political will, according to a local labor NGO.

According to the MOL, its inspectors conducted 46,355 visits to worksites for the purposes of orientation (10.7 percent) and inspection (89.3 percent) in 2009. Through October the MOL levied approximately 12 million soles (\$4.2 million) in fines on 2,089 companies for failure to place employees on labor rolls and health and safety violations.

The National Federation of Mineworkers reported that 61 miners died in mining accidents in the formal mining sector during the year, mainly as a result of rock-slides, falls, and asphyxiation.

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. The law did not provide workers the right 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 national elections on January 25, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won six seats in the 11-seat legislature. Independent observers concluded that the election had no major irregularities and was generally free and fair, but called for electoral reform. The constitution provides the smaller island of Nevis considerable self-government under a premier. In 2006 voters in Nevis elected Joseph Parry of the Nevis Reformation Party (NRP) as premier. Security forces reported to civilian authorities.

Human rights problems included use of excessive force by police, poor prison conditions, violence against women, and discrimination against homosexuality.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them. However, due to regular reports of violent incidents involving police, law enforcement officials came under increased scrutiny, and some citizens were afraid to report crime because of the heavy-handedness with which police have carried 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.

Authorities brought no charges against the police officers responsible for two police shootings in 2008, determining at the time that the shootings were justifiable.

Prison and Detention Center Conditions.—Prisons remained overcrowded, and facilities austere. Built in 1840, the prison on Saint Kitts had an intended capacity of 150 prisoners but held more than 270 prisoners; some prisoners slept on mats on the floor. Pretrial detainees were sometimes held together with convicted prisoners. There were five female inmates and fewer than 10 juveniles, all separated from adult male prisoners. Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions. The Government investigated and monitored prison conditions, and 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 an approximately 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 Procedures and Treatment While in 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.

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. However, during the January elections, the opposition party claimed that government-controlled media unfairly favored the ruling party.

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 International Telecommunication Union, there were 34 Internet users per 100 inhabitants in 2009.

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.—For a complete description of religious freedom, see the 2010 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 does not address forced exile, but the Government did not use it.

Protection of Refugees.—The Government has not signed the 1967 protocol to the 1951 Convention relating to the Status of Refugees. The Government has not established a system for providing protection to refugees, and it did not routinely grant refugee status or asylum. The Government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and was prepared to cooperate with other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. There was 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, free, and fair 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 January 25 general elections, Prime Minister Denzil Douglas's SKNLP returned to office after winning six of eight Saint Kitts-assigned seats in the 11-seat National Assembly. The People's Action Movement (PAM) party won two seats. The Concerned Citizens Movement party won two of the three assembly seats assigned to Nevis. On election day armed police responded to address unrest over allegations of voting fraud in the constituency of the opposition leader. International observers from the Commonwealth, the Caribbean Community, and the Organization of American States (OAS) concluded that the elections were generally free and fair. The Commonwealth observer team reported that "voters were able to exercise their right

to vote in accordance with legal procedures” but found “issues of substance” requiring improvement in the electoral process, including a need to tighten residency requirements for voter registration and lack of broad and transparent consultation in the appointment of election officials and boundary redistribution. The OAS electoral mission made similar recommendations and added calls for guaranteed access to the media; mechanisms to recruit, train, and finance female candidates; and greater civil society support for the electoral process.

For the January election, the Government successfully implemented identity controls for voting, alleviating past concerns over duplicative voting and fraud related to false identities. 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. Observers remained concerned some voters may be registered in constituencies in which they do not live.

The island of Nevis exercises considerable self-government, with its own premier and legislature. It also has the right to secede from the federation in accordance with certain enumerated procedures. 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 was one woman in the 14-member parliament—a cabinet minister—and three of four magistrates were female. 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.

Section 4. Official Corruption and Government 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.

While no laws provide for public access to government information, the Government maintained a Web site with limited information concerning government actions.

Section 5. 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 6. 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. There were 15 rapes and 23 indecent assault cases reported during the year.

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.

The law does not specifically address sexual harassment, and it remained a problem.

Reproductive rights were generally protected; couples and individuals had the right to decide the number, spacing, and timing of children. The National Family Planning Office provided information on contraception and support for reproductive rights on a nondiscriminatory basis. Skilled attendance at delivery and in

postpartum care was widely available. A 2008 report by the UN Children's Fund indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 54 percent. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

The role of women in society is not restricted by law but was circumscribed by culture and tradition; women did not occupy as many senior positions as men in society. 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 comparable jobs.

Children.—Children acquire citizenship by birth in the country, and all are registered at birth and equally able to access public education and public services. Children born to citizen parents abroad can be registered by either of their parents.

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). Under the statutory rape law, sexual relations with anyone under 16 are illegal, with penalties ranging from probation to life in prison. Child pornography is illegal and carries a penalty of up to 20 years in prison.

The country is a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—In 2009 there were no reports that persons were trafficked to, from, or within the country.

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 five 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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Male homosexual acts are illegal and carry penalties up to 10 years in prison. Female homosexual acts are not barred by statute.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations and the openness of LGBT persons. However, there were no reports of actual violence or discrimination based on sexual orientation.

Other Societal Violence or Discrimination.—Although no statistics were available, anecdotal evidence suggested that societal discrimination against persons with HIV/AIDS occurred.

Section 7. Worker Rights

a. The Right of Association.—Workers exercised their legal right to form and join trade unions. Employers are not legally bound 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 closely associated with the SKNLP and was active in all sectors of the economy.

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 workers employed 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, 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 reports 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 and domestic service. 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 children looking 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 EC\$8.00 (\$3.00) an hour. 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 2007 Stephenson King was appointed prime minister following Compton's death. Security forces reported to civilian authorities.

There were human rights problems in some areas, including police killings, abuse of suspects and prisoners by the police, corruption, long delays in trials and sentencing, violence against women, child abuse, and discrimination against homosexuality.

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 four persons during the year. The Criminal Investigations Department had investigations and inquests under way at year's end. The director of public prosecutions (DPP) reviews all police shootings resulting in death and refers matters for inquest.

On March 28, police shot and killed Peter William while apprehending him during a response to a burglary. On April 17, police shot and killed Derickson Auguste after Auguste pointed a firearm at the police during a routine patrol. The DPP ordered an inquest into both of those shootings on July 30.

On August 31, police shot and killed Hilarion Emmanuel while attempting to disarm him during a burglary investigation. The Criminal Investigations Department was investigating at year's end.

One other separate fatal shooting by police was under investigation. All four cases involved shootings by police officers claiming they acted in self-defense while investigating crimes. No additional information on these shootings was available during the internal investigations and inquests.

Inquests were still pending in the 2009 police killings of Anthony Fulgence and Alfred James. Criminal charges were filed and were pending against the officer involved in the 2008 police shooting of John Garvy Alcindor, and a civil suit filed by the family was still pending in the 2008 police killing of Timothy St Lucre of Bouton.

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. There also were reports of beatings by police of arrestees either during the arrest or while in custody at the initial detention center prior to arrival at the prison.

During the year citizens filed a number of complaints against the police, most of which were for abuse of authority.

In August a 22-year-old woman claimed she had been raped by members of the police. The Government initiated an independent inquiry into the allegations. As of year's end, the DPP had sent the matter back to the police for additional follow-up investigation, and the police had completed the tasks and referred the case back to the DPP.

Investigations into the May 2009 case in which Keiran Herman claimed police beat, kicked, and assaulted him; into the 2008 case in which police shot and injured Miguel Edwards; the 2007 incident in which members of the police Special Services Unit shot Andre Halls in the leg; and the 2006 police shooting of a 17-year-old boy were still pending in various stages of review and prosecution with the office of the DPP.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

The Bordelais Correctional Facility has an intended capacity of 500 inmates; there were 551 inmates as of December 21, of whom 302 were sentenced prisoners and 249 were on remand awaiting trial or other judicial disposition. There were nine female inmates and 82 youthful offenders ages 16-21. Female inmates were segregated from male inmates, as were youthful offenders. Detainees were segregated from sentenced inmates.

A criminal justice expert from the UN Office on Drugs and Crime toured the facility during the year. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had access to attorneys for this purpose.

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, and conditions were substandard. The boys in the program normally stay for two years and receive vocational training while enrolled. There was no additional information available about conditions at the center or plans for a replacement.

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

Role of the Police and Security Apparatus.—The Royal Saint Lucia Police numbered 826 officers, which included a Special Services Unit with some paramilitary training and a coast guard unit. The police force reports to the Ministry of Home Affairs and National Security.

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 stated that the commission had not made any recommendations for prosecution in many years.

Arrest Procedures and Treatment While in 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 are allowed prompt access to counsel and family. There is a functioning bail system.

Prolonged pretrial detention continued to be a problem; approximately 270 of the prisoners at Bordelais Correctional Facility were on remand awaiting trial. Those charged with serious crimes spent an estimated six months to five years in pretrial detention.

In March prisoner Eugene St. Romain, who alleged that he had been detained but never tried since April 2004 on a charge of murder, entered a plea of not guilty. At year's end he awaited a trial date.

In July Shawn Phillip was tried for murder after being held in custody on remand since his arrest in 2003. The trial ended in acquittal based upon the recantation of evidence by the original prosecution witnesses.

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.

Trials can be by jury and are public. 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 and have access to government-held evidence. An attorney can be provided at public expense if needed in cases of serious criminal charges.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas; infrastructure limitations restricted Internet access in some villages. According to the International Telecommunication Union, there were 83 Internet users per 100 inhabitants in 2009.

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 freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and no formal government policy toward refugee or asylum requests existed. The Government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

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. The UNHCR and the St. Lucia Red Cross investigated the claims of seven refugees from Sri Lanka. One had been repatriated, and one was in the process of being repatriated at the end of the year. The other five did not

want to return to Sri Lanka, and the UNHCR was working on their cases at the end of the year.

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. Electoral observer missions from both the Organization of American States and the Caribbean Community considered the elections generally free and fair. Following Compton's death in September 2007, the governor general, in accordance with the constitution, appointed Stephenson King, the person who commanded the majority in the House of Assembly, as prime minister.

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.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. Corruption continued to be viewed as serious and was 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. There was also concern that some foreign assistance programs went through the specific offices of parliamentarians, providing the opportunity for graft. There was an increasing public perception that certain politicians were wielding undue influence over the law enforcement community to shield them from investigation for corrupt practices.

In June the appellate court ruled that actions taken in 2009 by the attorney general and other cabinet members to approve a duty-free waiver for a colleague were unlawful, unreasonable, irrational, and made in bad faith. The court ruling accused the cabinet members of being involved in a cover up of fraud and corruption, but there were no consequences aside from public disclosure.

High-level government officials, including elected officials, were 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 responsible for combating 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 5. 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.

Section 6. 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.—The law effectively criminalizes rape, but not spousal rape. Police and courts enforced laws to protect women against rape, which is punishable by 14 years' to life imprisonment. The police were not reluctant to arrest or prosecute offenders, although many victims were reluctant to report cases of rape or to press charges. No data were available about the number of rapes reported, charges brought, or convictions obtained. 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.

Domestic violence was the most significant human rights problem in the country. While police were willing to arrest offenders, the Government prosecuted crimes of

violence against women only when the victim pressed charges. Often victims were reluctant to press charges due to their reliance on financial assistance of the abuser. Shelters, hotlines, and improved police training were all used to deal with the problem, but the lack of financial security for the victim was the key impediment. Shelters were operated in private homes, in order to preserve the privacy of the victims, but the location of a shelter was hard to keep secret. The family courts heard cases of domestic violence and crimes against women and children.

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 arrested and charged perpetrators in a number of domestic violence cases.

The police's 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 an increase in the reporting of sexual crimes against women and children over previous years. 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 hotline, and assistance in finding employment. Various nongovernmental organizations (NGOs), such as the Saint Lucia Crisis Center and the National Organization of Women (NOW), also provided counseling, referral, education, 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.

The criminal code prohibits sexual harassment, but it remained a problem, as government enforcement was not an effective deterrent. 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.

Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Skilled attendance at delivery and in postpartum care was widely available. Access to contraception was widely available. Incidence of maternal mortality was not available. Testing for HIV and sexually transmitted diseases was nondiscriminatory and also widely available.

Women generally enjoyed equal rights, including in economic, family, property, and judicial matters. Women's affairs were under the jurisdiction of the Gender Relations Division, whose parent ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—Children receive citizenship by birth to a Saint Lucia parent. Birth certificates were provided to the parents without undue administrative delay.

Child abuse remained a problem. The Division of Human Services and Family Affairs handled a number of cases of sexual abuse, physical abuse, abandonment, and psychological abuse, but no figures were available on its prevalence during the year.

The few social welfare programs in the country 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.

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.

The Caribbean Association for Feminist Research and Action (CAFRA) operated a hotline for families suffering from different forms of abuse; however, there was no government shelter for abused children, resulting in the return of many children to the homes in which they were abused. Through the hotline, 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.

Laws on rape include statutory rape; the age of consent is 16. There was no separate law defining or specifically prohibiting child pornography.

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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—In 2009 there were no reports that persons were trafficked to, from, or within the country.

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 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.

A new foreign-built mental health facility, completed in October 2009, was placed in operation during the year. There were no other mental health facilities on the island, and mentally ill persons were not generally provided much care. The Government's four mental health social workers had an average of more than 100 cases each.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison.

There was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

Other Societal Violence or Discrimination.—There was widespread stigma and discrimination against persons infected with HIV/AIDS, although the Government implemented several programs to address this issue, including a five-year program to combat HIV/AIDS. The UN Population Fund also provided support for youth-oriented HIV/AIDS prevention programs.

Section 7. 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. Approximately 25 percent of the total workforce was unionized, including most public sector employees. There were four major unions, the largest being the National Workers Union (NWU), with more than 3,000 members in private sector firms; the civil service association, a quasi-union (as civil service workers were not legally permitted to join a union), with 1,008 members; the teachers union; and the prison service and police welfare associations that were also quasi-unions. All the unions belong to the umbrella Saint Lucia Trade Union Federation (SLTUF). The NWU recently organized workers for the first time in the financial services industry and formed a financial services council to look at ways to harmonize benefits and wages in the growing financial services sector.

The law protects the right to strike, and workers exercised that right in practice. However, the law prohibits members of the police and fire departments from striking on the grounds that these professions are "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. Once workers have given notice, the matter is usually referred to an ad hoc tribunal set up under the Essential Service Act. The Government selects tribunal members, following rules to ensure tripartite representation. The ad hoc labor tribunals try to resolve the dispute through mandatory arbitration.

The April 2009 strike against the Government by the civil service association and the SLTUF resulted in the Government agreeing to a 14.5 percent pay raise.

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.

There was no additional information regarding the NWU complaint with the labor commissioner that Diamond International Corporation engaged in antiunion discrimination through selective dismissal of pro-union activists. The NWU general secretary also noted that there were a number of other instances of antiunion activity on the part of corporations, particularly among the foreign-owned hotel chains, but that the NWU was not taking issue with them due to the slowing of the economy.

The labor law extends to the export processing zones, and there were no administrative or legal impediments to union organizing or collective bargaining in those zones. The NWU was the only union representing workers in the export processing zones, representing workers in eight companies operating there.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, 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 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 established a minimum wage commission, which issued a preliminary report to Parliament in October. 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 the minimum wage due to illegal practices of employers.

The labor commissioner is charged with monitoring violations of labor law, including the minimum wage. There were seven compliance officers to cover the entire country and to monitor compliance with occupational and safety standards, pension standards, and 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 reprisal, 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.

Occupational health and safety regulations were relatively well developed. The ministry enforced the act through threat of closure if it discovered violations in a business and the business 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 121,000. On December 13, Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair. Security forces reported to civilian authorities.

There were continued human rights problems in some areas, primarily impunity for police who used excessive force, poor prison conditions, an overburdened court system, violence against women, abuse of children, and discrimination against homosexual persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year. The Criminal Investigations Department investigated it, as it does all police killings.

On August 7, police Constable Rohan McDowall shot and killed Constable Kingsley John. There was no public report of the investigation results, but media reports claimed the shooting was accidental. Nonetheless, authorities charged McDowall with murder. His trial was originally scheduled for November but later was postponed to early 2011.

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) continued to assert that a number of 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.

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 normally provide any public information about the disposition of such complaints or any disciplinary charges or other actions taken.

In August a police officer accidentally shot three girls during the response to a civil disturbance involving a mentally disturbed man. The matter was under investigation at year's end.

In May a coroner's inquest cleared police officers accused of fatally shooting three men during a narcotics raid in May 2009, despite human rights groups' claims that they had used excessive force.

In February a local judge fined each of the three police officers convicted of the 2008 beating of 15-year-old Jemark Jackson EC\$1,512 (\$560). The judge declared the three officers should not be jailed for being "overzealous."

Prison and Detention Center Conditions.—Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 413 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems. A larger prison, the Belle Isle Correctional Facility, with separate buildings for male and female inmates, officially opened in October 2009 but remained empty. While prisoners were working at the on-site farm, no prisoners were held in the facility, and there was no projected date to move prisoners into the new facility.

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 nine female inmates in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. The facilities at Belle Isle, designed to hold 288 prisoners, promise to be better, once it is in use. Pretrial detainees and young offenders (16 to 21 years of age), 10 percent of the total male prison population, were held with convicted prisoners.

Each convict had a schedule of visitors limited to one visit per week. There were no limitations for visitors for those in custody but not yet convicted. Local churches organized weekly religious services. Prisoners could file complaints by writing the court registrar who schedules court hearings.

Conditions were inadequate for juvenile offenders. Boys younger than 16 were held at the Liberty Lodge Boys' Training Center, which takes in at-risk boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the 25 boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

In August citizens formed a local chapter of the global organization called the Prison Fellowship. Its mandate is to provide counseling services to prison inmates, victims, and families. It will also provide prison-based programs such as literacy, formal education, and skills training.

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 890 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 Procedures and Treatment While in 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.

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 in the civil court or for 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 continued to lack 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 accounts of the prime minister or other officials rebuking the press for comments critical of the Government.

In February the prime minister threatened to sue a local radio station, two talk show hosts, and an advertising company for alleging impropriety regarding a deposit in a state-owned bank. Local media feared the chilling effect of such threats on media reporting of alleged government wrongdoing.

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 70 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.—For a complete description of religious freedom, please see the 2010 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.—The Government has not established a system for providing protection to refugees or asylum seekers, and it did not grant refugee status or asylum. The Government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; no such cases arose during the year.

In September authorities released one Ghanaian and one Liberian from prison who had been held for five years without being formally charged. According to the chief immigration officer, the men were detained because they withheld information in an attempt to avoid repatriation. After their release, the Red Cross provided a house for the two men while it sought the information needed to deport them.

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 elections held on December 13, the ruling ULP was returned to office, winning eight seats. The opposition New Democratic Party increased its seats from four to seven. International observers from the Caribbean Community and the Organization of American States declared the elections to be generally free and fair.

There were allegations from both the ruling party and the opposition of pre-election violence. Several shootings related to political rallies occurred in the weeks leading up to the election, but it was unclear if they were politically motivated. Opposition leaders filed lawsuits contesting the results in several constituencies. However, the director of public prosecutions (DPP) took over the prosecution of the 10 criminal charges filed and dismissed them. Although the DPP has the legal right to discontinue criminal proceedings, his decision was expected to be challenged.

There was one woman in the 15-seat House of Assembly and two women in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively.

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

There were no restrictions on international human rights groups. 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 continued to report 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 6. 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 sen-

tence of life imprisonment was very rarely used. The three court sittings heard 32 sexual offenses during the year, of which 12 were completed and 20 carried over to 2011. These included two cases of incest, 18 rapes, and 12 cases of unlawful sexual intercourse.

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 subsided, after having already complained to the police. For this reason police were often reluctant to follow up on domestic violence cases, according to the SVGHRA.

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.

The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing laws. Local human rights groups considered these laws ineffective.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Women enjoyed the same legal rights as men. Women received an equitable share of property following separation or divorce. The Gender Affairs Division continued to assist 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, and this was generally enforced in practice.

Children.—Citizenship is derived by birth within the country's territory or from either of one's parents. There was universal birth registration.

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.

Some teenagers engaged in prostitution. The minimum age of consensual sex is 15 years of age. The penalty for child prostitution is 14 years' imprisonment. The law prohibits statutory rape, with special provisions for those less than 13 years of age. The penalty for statutory rape of a girl over 13 but less than 15 years old is five years' imprisonment; for girls less than 13 years old, it is life imprisonment. The law does not specifically prohibit child pornography.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 in practice. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Communications were available for persons with disabilities, but the Government did not

have any programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. The Government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison. Although no statistics were available, anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

Other Societal Violence or Discrimination.—Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without prior authorization, and workers exercised this right in practice. However, no law requires employers to recognize unions. Approximately 20 percent of the work force was unionized.

The organized unions generally maintained good relations with the Government, the Employers' Federation, and the Chamber of Commerce and Industry. 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 unless they provide at least a 14-day notice to the authorities. The law prohibits retaliation against strikers, and it was effectively enforced in practice.

The law provides for establishment of an arbitration tribunal and a board of inquiry in connection with trade disputes and allows provision for the settlement of such disputes. Arbitration panels are formed on an ad hoc basis when a labor dispute arises. Labor unions and businesses were generally satisfied with the working of the arbitration panels, which have tripartite representation.

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. There were no reports of antiunion discrimination. The law provides that if both parties 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, but there were a few industrial parks that functioned like an export processing zone; unions were represented at these sites.

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.

There was a growing problem of young persons dropping out of school and becoming involved in the drug trade. Some children as young as 14 reportedly worked in the marijuana fields common in the northern part of the country. The Government opened a number of new schools, providing additional educational opportunities to young persons. The Government continued efforts to provide employment opportunities to young people to keep them from becoming involved in the drug trade. At-

risk youths were provided with life skills training, technical and vocational training, and job readiness training over a seven- to nine-month cycle. The program placed trained youth in internships and assisted them in finding jobs, with a goal of 40 percent job placement rate.

e. Acceptable Conditions of Work.—The process of setting the minimum wage is tripartite and transparent. The Wages Council meets every two years to review minimum wages; they were last updated in July 2008. 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\$32 (\$11.85) per day, or EC \$56 (\$20.74) if shelter was not provided; for industrial workers it was EC\$40 (\$14.81) 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. Workers who receive less than the minimum wage can file a claim with the Labor Ministry's inspectors, who will investigate and, if warranted, refer the matter to arbitration. In practice the ministry received very few complaints concerning minimum wage violations but did receive complaints regarding wrongful dismissal.

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 provide legal cover to a worker who refused to work under these conditions.

SURINAME

Suriname is a constitutional democracy, with a president elected by the unicameral National Assembly or by the larger United People's Assembly. The population is approximately 493,000. After generally free and fair elections in May, a coalition government was formed by the Mega Combination, the A Combination, and People's Alliance political groups. The National Assembly elected former military leader Desire Bouterse as president in July. Security forces reported to civilian authorities.

The following problems were reported during the year: overcrowded detention facilities; an overwhelmed judiciary with a large case backlog; lengthy pretrial detention; self-censorship by some media; governmental corruption; 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The trial of former military head of state and current President Desire Bouterse and his codefendants for the 1982 extrajudicial killing 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 reported isolated incidents of abuse of prisoners by prison officials.

In December 2009 mob violence in Albina erupted after a Brazilian man stabbed to death a Maroon (descendants of escaped slaves who fled to the interior of the country to avoid recapture) during a dispute. The violence, primarily directed towards Brazilian and Chinese migrants, resulted in at least three rapes. Twenty persons, including a local official, were arrested on charges including rape, theft, and arson. During the year trials convened for nine of these suspects and continued at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions remained poor, but the Government permitted visits by independent human rights observers.

Violence among prisoners continued sporadically, including two riots in September at Santo Boma prison. Prison and local authorities restored order and no serious injuries were reported. Poor ventilation, limited lighting, and extreme heat remained problems in prisons and detention centers. Most prisons and detention centers, particularly the older jails, were unsanitary and overcrowded.

There were three prisons, which held female and male prisoners separately. There were also 19 smaller jails, or temporary detention centers, in police stations throughout the country.

There was one juvenile detention facility, Opa Doeli, for boys and girls under the age of 18 years old. This facility, located in Paramaribo, was considered adequate, provided educational and recreational facilities, and was occupied to less than its maximum capacity. A separate wing of the detention facility held boys under the age of 18 years old who had been convicted of serious crimes.

Growing numbers of convicted prisoners were held in pretrial detention cells due to prison overcrowding. Due to 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 the age of 18 years old were held in the women's detention center and in the women's section of one of the prison complexes.

Prisoners continued to have reasonable access to visitors and were permitted religious observance of their choice. Government officials continued regular monitoring of prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. During the year prisoners from the Santo Boma prison sent letters to public officials complaining of inadequate food provisions, mistreatment by prison guards, limited ventilation, and a lack of rehabilitation programs. Officials took no known action on these complaints and at year's end.

Local nongovernmental organizations (NGOs) expressed concern over the continued tense situation in Santo Boma prison, with declining prison conditions, inadequate legal representation, and delayed court verdicts.

The Government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. No ombudsman served on behalf of prisoners and detainees; prisoners notify their defending lawyers and government officials of any problems.

The Welzijns Institute Nickerie, an NGO operating in the western district of Nickerie, continued to visit and provide counseling for detainees in the youth detention center in that district. The institute continued a program to train prison officers to counsel detainees.

The Government continued construction on the main pretrial detention center to improve conditions and reduce overcrowding. During the year the detention center accepted pretrial detainees who were previously imprisoned in the 19 smaller jails around the country.

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

Police effectiveness was hampered by a lack of equipment and training, low salaries, and poor coordination with military forces.

Arrest Procedures and Treatment While in Detention.—Individuals were apprehended openly with warrants based on sufficient evidence and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. Detainees were promptly informed of the charges against them. Police may detain a person suspected of committing a crime for up to 14 days 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 within 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 the prosecutor 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 19 detention cells at police stations throughout the country that were at or near capacity. In accordance with the law, the courts freed most detainees who were not tried within the 164-day period. According to human rights monitors, factors such as a shortage of judges, large case loads, and large numbers of detainees caused trial delays.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence.

The judiciary lacked professional court managers and case management systems to oversee the courts' administrative functions and also lacked adequate physical space—factors that 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. All trials are public except for indecency offenses. There is no jury system. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants have the right to be present and to consult an attorney in a timely manner. Defendants and their attorneys have access to government-held evidence. Defendants' attorneys can question witnesses and present witnesses and evidence on the defendant's behalf. The courts assign private sector lawyers to defend indigent detainees. There were court-assigned attorneys for both the civil and the penal systems. The law extends the above rights to all citizens.

Military personnel generally are not subject to civilian criminal law, and there are parallel military and civilian court systems. Military police investigate crimes committed by members of the armed forces. An officer on the public prosecutor's staff directs military prosecutions before two military judges and one civilian judge. Due to a 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.

Regional Human Rights Court Decisions.—The Inter-American Court of Human Rights has ruled in two cases with regard to the Surinamese government.

No further progress was made on implementing 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. The court ruled in 2007 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 SR\$1,680,000 (\$600,000), and provide them with their own land. By the end of the year, the Government had paid approximately SR\$560,000 (\$200,000) toward this amount, but had yet to pay in full or to complete the demarcation process.

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 a court to consider lawsuits seeking damages for, or cessation of, a human rights violation. Despite the installation of new judges during the year, the backlog in cases continued. 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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In October media reported that a government official allegedly threatened an investigative journalist from a leading radio station, claiming that the journalist's investigations and reporting undermined the new government.

In October 2009 the Government announced it would compensate two broadcasting companies for the army's destruction of their radio stations under the military dictatorship in 1982. The issue remained pending at year's end.

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 a response to pressure applied by senior government officials and important community leaders on journalists who published negative stories about the administration. In addition many news outlets were affiliated with particular political parties, which discouraged journalists from reporting on some news items.

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 approximately 31 Internet users per 100 inhabitants in 2009. The population in the interior had less access to the Internet due to limited infrastructure.

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 freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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. No occasion arose during the year for government cooperation with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Although the law does not address forced exile, the Government did not use it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees. 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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.—The constitution provides for direct election by secret ballot of the 51-member National Assembly no later than five years after the prior election date. The National Assembly in turn elects the president by a two-thirds majority vote. 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, the National Assembly elected Desire Bouterse president in July. Political parties could operate without restriction or outside interference.

Historical and cultural factors, particularly in rural areas, inhibited equal participation by women in leadership positions in government and political parties. Societal pressures and customs, particularly with respect to marriage and inheritance, also limited female participation in political leadership. While women made limited gains in attaining political power, men continued to dominate political life. There were six women among the 51 members of the National Assembly and two women among the 17 ministers in the cabinet. There were five women among the 20 sitting 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 Maroons, the descendants of escaped slaves, and indigenous Amerindians in the political process, including a

population concentrated in remote areas in the interior and removed from the country's centers of political activity. Four of the 21 Maroon political parties participated in the May elections, and three of the four parties are members of the Government, participating as the A-Combination coalition. Voters elected 10 Maroons and two Amerindians to the National Assembly, all of whom joined in the governing coalition.

Section 4. Official Corruption and Government 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. Long delays often occurred before corruption cases came to trial.

The World Bank's worldwide governance statistics continued to indicate corruption was a serious problem. The media frequently reported alleged corrupt practices with regard to land rights and land titles, misuse of government funds, and other practices.

In September 2009, 200 pounds of cocaine was stolen from a storage vault at a police facility. Six suspects were arrested, including three civilians and three police officers. The investigation was ongoing at year's end.

The Personnel Investigation Department (OPZ), an office within the Police Department, investigates complaints against members of the police force. The OPZ received 190 complaints against members of the police force during the year and launched 20 investigations into cases involving mistreatment of detainees and civilians. Throughout the year, authorities relieved 29 police officers of duty for various offenses, 20 of whom were jailed.

Public officials were not subject to financial 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.

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, gaps in official government statistics and bureaucratic hurdles made obtaining information difficult.

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

A number of independent domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. NGOs reported generally positive relationships with government officials, although occasionally officials were not responsive to their views. No international human rights groups operated in the country during the year.

A legislative commission on human rights continued operating throughout the year, but resource constraints hampered its effectiveness. The National Assembly also has a commission dealing with women's and children's rights.

Section 6. 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. Although 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 lesbian, gay, bisexual, and transgender (LGBT) persons, suffered forms of discrimination.

Women.—The law criminalizes rape, including spousal rape, prescribes penalties for rape or forcible sexual assault of between 12 and 15 years' imprisonment. The Government enforced the law effectively. During the year the Ministry of Justice and Police registered 189 cases of attempted rape, 106 cases of rape, 1,213 cases of domestic violence, and 269 cases of child abuse.

Violence against women was a common problem. The Ministry of Justice and Police registered 1,213 cases of domestic violence during the year, a drop from 1,769 in 2009. The increase in registered domestic violence cases may be due to a greater awareness of domestic violence issues.

The 2009 Law Combating Domestic Violence, which allowed for more severe punishments (four to eight years' imprisonment) than are available when prosecuting domestic violence cases under the assault law, had not been implemented by year's end. The Bureau of Women and Child Policy under the Ministry of Justice and Police conducted an awareness campaign on domestic violence in 2009 in cooperation with the Foundation Ilse Henar Hewith, and the bureau trained government officials, social workers, and NGO staff on domestic violence issues. The Victim Assist-

ance Bureau in Paramaribo provided resources for victims of domestic violence and other crimes. It operated a satellite office in Nickerie, the country's second largest city. There were four victims' rooms in police stations in Paramaribo and Nickerie, and police units were trained to deal with victims and perpetrators of sexual crimes and domestic violence. An NGO operated a shelter for victims of domestic violence.

There was no specific legislation on sexual harassment; however, prosecutors cited various penal code articles in filing sexual harassment cases. There were no reported court cases involving sexual harassment in the workplace during the year.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception was widely available and, according to the Population Reference Bureau, contraceptive use among married women was 42 percent. The UN Population Fund estimated the maternal mortality ratio in 2008 at 100 deaths per 100,000 live births, while UNICEF reported that 90 percent of births included skilled attendance during childbirth in 2008. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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. Where local customs remain a strong influence on the family unit, girls traditionally marry at or near the legal age of consent, and inheritance rights pass to their husband.

Men and women generally enjoyed the same rights under property law and under the judicial system. The Bureau for Women and Children under the Ministry of Justice and Police worked 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.

Children.—Citizenship is derived by birth within the country's territory and from one's parents.

Physical and sexual abuse of children continued to be a problem. During the year police received reports of 269 cases of sexual abuse of children, compared with 265 reported in 2009. 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, raise awareness about child abuse, and solicit and investigate complaints. The Youth Affairs Office continued to raise awareness about sexual abuse, drugs, and alcohol through a weekly television program.

Authorities applied various laws to prosecute perpetrators of sexual abuse, 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.

During the year there was one report of sexual abuse of three children in a religious-led orphanage. The suspect was charged, and prosecution continued at year's end.

Although the legal age of sexual consent is 14 years old, it was not enforced effectively. The marriage law sets the age of marital consent at 15 years old for girls and 17 years old for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required up to the age of 21. The law also mandates the presence of a civil registry official to register all marriages.

Trafficking and commercial sexual exploitation of minors remained problems.

The criminal law penalizes child prostitution and provides sanctions of up to six years' imprisonment and fine of SR\$100,000 (\$35,700). The law also prohibits child pornography, which has a maximum penalty of six years' imprisonment and maximum fine of SR\$50,000 (\$16,700).

The UN Children's Fund continued cooperating with the Government in providing training to officials from various ministries dealing with children and children's rights. The Government operated a "1-2-3" telephone hotline for children and provided confidential advice and aid to children in need.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For information on international parental child abduction,

please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There was a declared Jewish community of approximately 150 persons. There were no reports of anti-Semitic acts or other societal abuses or discrimination based on religious affiliation, belief, or practice.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons With Disabilities.—There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. In practice persons with disabilities suffered from discrimination when applying for jobs and services. Some training programs were provided for the persons with visual disability and others with non-visual disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Persons with disabilities had equal access to information and communications. There were no reports of abuse in educational facilities for persons with disabilities.

A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it 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. However, Maroons, who represent an estimated 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 reduced their access to educational and professional opportunities and health and social services. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

Indigenous People.—The law affords no special protection for, or recognition of, indigenous people. Most Amerindians (approximately 2 percent of the population) live in the remote and undeveloped interior of the country, where government services are largely unavailable. Geographic isolation afforded limited opportunity to participate in national and regional policymaking, including decisions affecting interior lands, cultures, traditions, and natural resources.

Because Amerindian and Maroon lands were not effectively demarcated or policed, 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, some of whom were themselves indigenous or supported by indigenous groups, 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 within their traditional territories to third parties, who sometimes prevented the villages from engaging in their traditional activities on those lands. There are no laws granting indigenous people rights to share in the revenues from the exploitation of resources on their traditional lands.

Indigenous groups, with the assistance of the Amazon Conservation Team, mapped their lands and presented proposed demarcation charts to the Government in 2000 and to the Ministry of Physical Planning, Land, and Forestry Management in both 2006 and 2009. At year's end, this proposal remained under consideration by the new government.

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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law prohibits discrimination based on sexual orientation, there were reports of employment discrimination against LGBT persons. There were no reports of official discrimination based on sexual orientation in housing, access to education, or health care.

Other Societal Violence or 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. Catering establishments, casinos, and some private companies also reportedly demanded HIV tests prior to employment. The Mamio Foundation noted that individuals, mostly

women, reported physical violence or discrimination after their HIV-positive status became known. Insurance companies allegedly denied services to HIV-positive clients, having identified their status via their medication histories.

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. The program achieved its goal of voluntary testing of 90 percent of expectant mothers. The military continued its HIV/AIDS awareness program among troops during the year.

Section 7. 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.

The law provides for the right to strike, and workers in both the 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. The law prohibits employer interference in union activities, and in practice it did not occur.

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. Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

The trial of six individuals arrested in 2009 after allegedly recruiting 23 men for a cooking course in Trinidad and Tobago and then providing them as forced labor upon arrival in that country continued at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for most types of employment at 14 years old and restricts working hours for minors to day shifts but does not limit the number of hours minors can work. Children younger than 14 years old are allowed to work only in a family-owned business, small-scale agriculture, and special vocational work. The law does not define the worst forms of child labor. Children younger than 18 years old are prohibited from doing hazardous work, which is defined as work dangerous to their life, health, and decency. Children under the age of 15 years old are not permitted to work on boats. The Ministry of Labor and the police enforced the law sporadically, and child labor remained a problem in the informal sector, especially in the western districts of Nickerie and Saramacca.

Some children under the age of 14 years old continued to work illegally in gold mines and in urban informal sectors. Employers in these sectors generally did not assure work safety or provide benefits such as access to medical care. There was a general lack of statistical data on the labor environment and child labor in the country.

The Ministry of Labor's Department of Labor Inspection, with 63 inspectors, of which 22 have finished their theoretical training by the end of the year, has responsibility to implement and enforce labor laws; 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. Employers were required to maintain a Register of Young Persons that includes each employee's information. Employing a child less than 14 years of age is punishable by fines and up to 12 months in prison. Parents who permit their children to work in violation of labor laws may be prosecuted. 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.

Children were exploited in agriculture, particularly harvesting fruit and rice. 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 and participated in a regional project to combat the worst forms of child labor in the Caribbean.

The National Commission for the Eradication of Child Labor became active in 2009. Members included officials from the ministries of labor, social affairs, and education, as well as representatives from labor unions, the private sector, and NGOs. The commission's mandate includes formulating national policy regarding the eradication of child labor, initiating specific programs for indigenous children, developing

a list of occupations involving the worst forms of child labor, and monitoring the country's compliance with international child labor standards. However, the commission's progress in these policy areas stalled during the year.

e. Acceptable Conditions of Work.—There is no legislation providing for a minimum wage. The lowest wage for civil servants was approximately SR\$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. During the year the Government continued to implement a new civil servant wage system, increasing wages for many civil servants.

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. 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.

TINIDAD 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 the May 24 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress (UNC) defeated Prime Minister Patrick Manning's People's National Movement (PNM) government and secured a 29-to 12-seat majority in the Parliament. Security forces reported to civilian authorities.

Principal human rights problems were 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, 41 persons died as of December 17 while in police custody or at the hands of law enforcement officers. Authorities investigated or opened inquests into some of the killings. All cases were reported to be under investigation, but authorities had not brought charges or otherwise punished any of the officers by year's end. In the past, when charges were brought, 50 percent of the officers were acquitted.

Authorities were investigating the police Repeat Offenders Program Task Force for allegations of misconduct, kidnapping, and murder made by members of the public. One allegation concerned Laventille resident Keon Glasgow, taken into custody in April and not accounted for since. His relatives believed that he was abducted and killed with police involvement.

There were no reported developments in the inquiries into the 2009 police killing of George Ashby or of the 2008 police killings of Mustapha Edwards, Karim Saint Aimee, and Russel Samuel.

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

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.

Authorities had 12 police officers from the Central Division Task Force and the Robbery Squad under investigation regarding allegations that they misused Tasers in March by placing suspects in a barrel of water and shocking them. The investigation continued at year's end and was pending a decision by the director of public prosecutions (DPP).

An investigation was underway into the July beating of Wayne Roberts, who sought assistance from the police in aiding a woman who collapsed on the road. Roberts received blows to the head and body and was arrested for using obscene language and resisting arrest. Witnesses claimed the police beat Roberts because he called them “imps” for failing to attend to the woman.

On July 23, residents of the Scorpion Alley neighborhood in Carenage claimed that police opened fire on a group of men and sped away in an unmarked car when they realized that someone had been shot. Police asserted that they were fired upon while on patrol. Curlon James was reportedly shot in the back in the incident. The case was under investigation at year’s end.

Prison and Detention Center Conditions.—Conditions in the prison system’s eight facilities continued to be difficult. The designed capacity of the prisons was 4,380 inmates, and they held approximately 3,700 prisoners at year’s end. However, some prisons suffered from extreme overcrowding, while others had not reached full capacity. The Port of Spain prison, originally designed to accommodate 250 inmates, held 542 prisoners, compared with 506 in 2009. At peak times, up to 10 prisoners were kept in 10- by 10-foot cells. Inmates complained of insufficient medical care for illness and injuries.

Inmates at the Immigration Detention Center engaged in a hunger strike in June and rioted in August over cell searches and their desire to return to their home countries. In a separate incident, four center inmates were treated for injuries allegedly inflicted by security officers in the month of June. According to the local UN High Commission for Refugees (UNHCR) representative, when the center first opened in November 2009, detainees were permitted to be outside only five hours per week, and conditions were worse than at the maximum-security prison. The Government investigated the situation and improved living conditions. The majority of detainees were illegal immigrants who could not afford the cost of travel to their home country. The center has an intended capacity of 150 and held 46 persons at year’s end. Men and women had separate facilities.

Pretrial detainees were held separately from convicted prisoners. There were 1,604 inmates awaiting trial in October, compared with 1,403 at the end of 2009. 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. Of 107 female prisoners, 38 awaited trial in October. Although conditions at the women’s prison were better than those in the Port of Spain men’s prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences.

A new library opened in July at St. Jude’s School for Girls, a court-ordered detention facility for at-risk girls. An estimated 200 male juveniles were held separately from adults at the Youth Training Center, and 11 female juveniles were in custody at Golden Grove.

There were 2,200 prison officers. Prison authorities reported bringing charges against 29 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 July 26, a High Court judge awarded damages of TT\$180,000 (\$28,600) to an inmate who was beaten by a group of officers in 2006 when he was held in the remand section of the prison. The beatings resulted in several weeks’ hospitalization.

Prisoners and detainees have reasonable access to visitors and are permitted religious observance. On October 3, Muslim prisoners at the Remand Yard Prison began a hunger strike after they were barred from holding a Friday prayer service. Prison officials cancelled the service because of fears the group was plotting to riot. The incident was under investigation at year’s end.

Prison authorities permit prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner. Prisoners can also contact the office of the ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. However, in no instances has the ombudsman advocated on behalf of prisoners or detainees.

The Government permitted prison visits by independent human rights observers upon approval of the Ministry of National Security; however, there were no such requests during the year.

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

However, the courts made several awards in cases brought on grounds of wrongful arrest and imprisonment: Maurice Koon received TT\$60,000 (\$9,500) on July 8 for

false imprisonment; David Ambrose received TT\$80,000 (\$12,700) on July 20 for wrongful arrest and a three-day detainment; Brahim Rampersad received TT\$412,000 (\$65,400) on July 22 for wrongful arrest, malicious prosecution, and an improper nine-day detainment; Aaron Roodal received TT\$168,000 (\$26,700) on October 4 for breaches of civil liberties, including being served only meals with meat even though his Rastafarian religion bans the consumption of meat; and Nankishoer Rajpath received TT\$55,000 (\$8,700) for false imprisonment.

A prisoner was awarded TT\$156,000 (\$24,800) on July 29 for breach of his constitutional rights after documents signed at the prison and expected to be filed at the Court of Appeal were delayed by prison authorities causing the defendant to miss the filing deadline.

Role of the Police and Security Apparatus.—The Ministry of National Security oversees the police service, immigration division, prison service, and 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. Public confidence in the Police Service was very low because of high crime and perceived corruption.

The national police force comprises nine divisions, including 17 specialized branches, with approximately 5,000 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.

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 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 those investigating complaints against the police were themselves police officers.

Arrest Procedures and Treatment While in Detention.—A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if 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 immediate access to a lawyer and to family members.

There is a functioning bail system. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of 60 days following the charge. However, a judge may still grant bail to such persons under exceptional circumstances, and many in government argued, during a nationwide debate over bail reform, that this occurred too frequently. 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 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 inefficiencies in the judicial system continued to be a problem. 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 an additional 10 days pending conclusion of the investigation. Officials cited an increase in the number of arrests and an antiquated note-taking system in most magistrate's 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.

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.

Regional Human Rights Court Decisions.—In 1999 the Government withdrew from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation. From 1999 to 2009 the Inter-American Court of Human Rights issued rulings on cases predating the Government's withdrawal; by year's end the Government had not provided any official or public reaction to the rulings.

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, order parties to cease and desist from particular actions, compel parties to take specific actions, or award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to TT\$15,000 (\$2,400).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union in 2009, 44 percent of the population used the Internet.

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

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

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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.—The Government has not passed legislation to implement its obligations under the relevant UN conventions. The Government cooperated with the 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 Government placed asylum seekers in the care of the Living Water Community (LWC), a local Catholic social services agency, while their cases were reviewed by the UNHCR and final resolution reached. Pending parliament's approval of implementing legislation, 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 on account of their race, religion, nationality, membership in a particular political group, or political opinion. However, it took as long as four years for the Government to provide identification cards or work permits to persons granted refugee status, due to a lengthy bureaucratic process.

The Government did not provide temporary protection to persons who may not qualify as refugees. The LWC provided such persons with needed social services and reported in October that 126 previously filed asylum applications were still pending and that 19 new applications had been filed during the year. The Government recognized 31 persons as refugees.

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

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

Elections and Political Participation.—The Caribbean Community observers found the May 24 national elections to be generally free and fair. However, during the campaign period, there were isolated incidents of vandalism and violence, and the then incumbent prime minister required all television stations to air an interview without paying for the airtime. Citizens voted the incumbent party out of office and elected a new coalition government that secured 29 of the 41 parliamentary seats. The Congress of the People (COP) party joined the coalition and won six seats, while a new party, New National Vision—formed by Yasin Abu Bakr, leader of the Jamaat-al-Muslimeen group that attempted a 1990 coup—garnered few votes and no seats.

Political parties operated without restriction or outside influence, and the two major parties fall loosely along ethnic lines—the PNM is primarily but not exclusively Afro-Trinidadian, and the UNC is primarily but not exclusively Indo-Trinidadian.

In July the Government held local elections for the first time since 2003. Mirroring the national elections, the UNC-led coalition took control of 11 of 14 municipal councils.

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, 20 were women; there were six women in the 28-member cabinet, including the prime minister. There were 13 female judges among the 34 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 was one member of these minorities, of Arab ancestry, in the legislature.

Section 4. Official Corruption and Government 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. The commission had been nonfunctioning due to a series of resignations but was reconvened in March and continued to meet during the year. Public opinion of the commission improved after the naming of new commissioners. Officials and candidates for public office were reluctant to comply with asset disclosure rules, due in part to fear of kidnappings for ransom, but primarily because of the perceived invasiveness of the process. The act articulates a process when public officials fail to disclose assets, and by year's end the commission had publically listed in the newspaper 188 officials who had failed to comply.

Police corruption continued to be a problem, with some officials acknowledging there were officers who participated in corrupt and illegal activities. On September 13, authorities suspended 35 police officers on corruption charges, and the investigation reportedly continued at year's end. There were allegations that some officers had close relationships with gang leaders.

In April a report on alleged corruption in the local construction industry, including the Government's Urban Development Corporation of Trinidad and Tobago (Udecott), was released. The report stated that Udecott needed internal restructuring and improved managerial and budgetary practices. The leader of the company, Calder Hart, resigned and left the country. The Anti-Corruption Investigation

Bureau and the Police Cyber Crime Unit began investigations but had not issued any arrest warrants by year's end.

In June the Integrity Commission recommended that the DPP conduct a criminal probe into former prime minister Patrick Manning and a former minister of science, technology, and tertiary education regarding the awarding of a radio license to a political supporter.

A minister in the Ministry of National Security issued a directive in August to investigate whether corrupt prison guards were complicit in the smuggling of cell phones to prisoners, following the fourth killing of a prison officer.

In 2009 the DPP launched an investigation to determine whether the then prime minister and his PNM party breached the Prevention of Corruption Act or other provision of the law in regard to an alleged agreement with the Jamaat al Muslimeen organization prior to the 2002 general elections. Unconfirmed reports circulated that the group's leader, Yasin Abu Bakr, agreed to support the prime minister's party in exchange for a promise that his property would not be seized to pay a state debt. At year's end the case was under investigation and pending a decision by the DPP, but no charges had been filed. In August Attorney General Anand Ramlogan held a court-ordered auction of 10 properties owned by Yasin Abu Bakr to satisfy a debt owed to the Government.

In April 2008 the Privy Council ordered a new trial for former UNC party chairman Basdeo Panday stemming from his 2006 conviction for failing to disclose a London bank account. This retrial was delayed by a series of judicial filings. A second trial focused on an alleged 25,000 pound (\$40,000) bribe, and the Appeal Court was scheduled to begin hearing arguments February 14, 2011.

The Freedom of Information Act provides for public access to government documents, upon application. Critics charged, however, that a growing number of public bodies have been exempted from the act's coverage, which the Government claimed was necessary to reduce the volume of frivolous requests.

Section 5. 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 appropriate authority. 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 reliability of the Office of the Ombudsman and the ombudsman's annual report.

Section 6. 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; however, 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. The Crime and Problem Analysis Branch of the police service reported that there were 260 reported cases of rape between January and December 7.

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 and common-law partners, from their victims. Abusive spouses can also be fined or imprisoned. While reliable national statistics were not available, women's groups estimated that from 20 to 25 percent of all women suffered abuse.

The NGO Coalition Against Domestic Violence charged that police were often lax in enforcing domestic violence laws and asserted that rape and sexual abuse against women and children remained a significant problem.

The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hotline 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.

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 continued to suspect that many incidents of sexual harassment went unreported.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and maternal health was widely available from healthcare providers and online sources. The Population Reference Bureau reported a contraceptive use rate of 43 percent among married women. Skilled attendance at delivery and in postpartum care was also widely available. According to the UN Population Fund, the estimated maternal mortality rate was 55 per 100,000 live births in 2008. Women and men were given equal access to diagnostic services and treatment for HIV/AIDS and sexually transmitted diseases.

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. According to the World Economic Forum's 2010 Global Gender Gap Report, women earned 32 percent less than men on average.

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.—Children acquire nationality by birth; every person born in the country is a citizen at the date of birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The Births and Deaths Registration Act provides that every child born alive must be registered within 42 days of birth.

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. The Coalition against Domestic Violence operated Childline, a free and confidential telephone hotline for at-risk or distressed children and young persons up to age 25. During the year Childline received 4,645 calls, 77 percent from females and 23 percent from males. Childline credited a significant decrease in calls to a change in how the organization handled prank calls. In the first nine months of the year, Childline reported 292 neglect and abuse cases to the Police and National Family Services of the Ministry of the People and Social Development, including 36 cases of rape or incest.

Several children were abused in their own homes or in institutional settings. There were allegations of widespread physical, sexual, and mental abuse of children at the St. Mary's Children's Home; a government investigation was unable to substantiate the allegations but recommended hiring additional qualified staff. The beating death of a two-year-old boy on October 20 by a family member resulted in calls for additional attention to child abuse. The case was under investigation at year's end.

The law defines a child as less than 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. The legal age for marriage is 18 for both men and women. However, in practice the minimum legal age for 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 for marriage is 16 for men and 12 for women; the Hindu Marriage Act and the Orisa Marriage Act set the minimum legal age for marriage at 18 for men and 16 for women.

Children between the ages of 16 and 18 were suspected of being engaged in prostitution. The Sexual Offenses Act of 2000 provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution.

Statutory rape is illegal under the Sexual Offenses Act. The age of sexual consent is 16 years for males and females; however, this does not apply if the parties are married. Persons found guilty of rape can be sentenced from 12 years to life in jail.

Child pornography is illegal, and penalties for pornographers include a fine of TT\$2,000 (\$320) and four months' imprisonment.

The Government is a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on the convention at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>, as well as country specific information at <http://travel.state.gov/abduction/country/country—3781.html>.

Anti-Semitism.—The Jewish community was very small. There were no reports of anti-Semitic acts.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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, or other citizen services. The minister of the people and social development publicly called upon employers both in the private and public sectors to end discriminatory practices against persons with disabilities and to create inclusive work environments.

In practice persons with disabilities (an estimated 16 percent of the population) 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. Transportation was a particular concern, with only five handicap-accessible buses (only one of which was in service) for a special on-call transportation service. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, the right to vote, or to participate in civic affairs. The court system and the Elections and Boundary Commission communicated the openness of the courts and voting to all citizens. The Government provided some funding to NGOs such as Disabled Peoples International. In August the Government installed the first elevator on a raised pedestrian walkway to allow citizens with disabilities to cross a busy highway.

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.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law criminalizes consensual homosexual relations, providing penalties of up to 25 years' imprisonment, the Government generally did not enforce such legislation, except when paired with more serious offenses such as rape. Immigration laws also bar the entry of homosexual persons into the country, but the legislation was not enforced.

The Equal Opportunities Act does not specifically include lesbian, gay, bisexual, or transgender (LGBT) persons, and in fact it specifically excludes sexual orientation. Other laws, including the Domestic Violence Act and the Cohabitation Relationship Act, also include language that excludes same-sex partners from the laws' protections. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country. There were no gay marches, although LGBT rights groups attended some election events with signs and clothing indicating their membership. LGBT rights groups reported individual cases of violence against homosexual persons including cases where they were lured to a venue by Internet advertisements and then beaten. LGBT rights groups also reported a reluctance to report crimes to the police for fear of harassment by the police and court officials.

Other Societal Violence or Discrimination.—HIV/AIDS was viewed as a significant medical concern for the Government and society. Incidents of violence against this group were usually isolated events, and the Ministry of Labor partnered with the International Labor Organization (ILO) to launch an HIV antidiscrimination program in the workplace.

Section 7. Worker Rights

a. The Right of Association.—The law provides that all workers, including those in state-owned enterprises, may form and join independent unions of their own choosing without prior authorization. The law also provides for 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 Industrial Rela-

tions Act (IRA) does not recognize domestic workers (maids, chauffeurs, gardeners, etc.), and they do not have the right to join a union. The Government was consistently unwilling to negotiate with public sector unions and refused to amend its legislation on “essential services” and collective bargaining to conform to ILO conventions. According to the National Trade Union Center, one of two umbrella organizations in the labor movement, approximately 20 percent of the workforce was organized in approximately 24 active unions. The percentage of workers represented by a union fell as employers increasingly relied on contract employees who were not covered by unions.

The law allows unions to conduct their activities without interference; however, 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. The IRA stipulates that only strikes over unresolved interest disputes may take place and that strikes may be prohibited at the request of one party if not called by a majority union.

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. According to the National Trade Union Center, the requirement that all negotiations must go through the Public Sector Negotiation Committee, rather than with the individual government agency or government-owned industry, is another heavy restriction that adds significant time delays.

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, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for employment in public and private industries at 16. However, children ages 14 to 16 may work in activities in which only family members are employed or that have been approved as vocational or technical training by the minister of education. Children under the age of 18 are prohibited from working between the hours of 10 p.m. and 5 a.m., except in a family enterprise or within other limited exceptions. Violation of these regulations is punishable by fines.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. The Government trained 19 inspectors to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under the age of 18. The Industrial Court may issue a finding of contempt on anyone obstructing the inspectors’ investigation. Although the Government was generally effective in enforcing child labor laws, there were a very few reports of children working in agriculture or as domestic workers.

The Ministry of the People and Social Development continued to slowly implement its Revised National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitive child labor. The Government also participated in a regional initiative to combat the worst forms of child labor, implemented by the ILO’s Program for the Elimination of 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. The national minimum wage was TT\$9 (\$1.43) per hour, which did not provide a decent standard of living for a worker and family.

The Government provided limited food assistance for poor families through a conditional cash transfer program. Actual wages varied considerably among industries.

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.

Health and safety regulations apply to all workers, regardless of citizenship. Foreign laborers brought into the country were generally protected by local labor laws, a stipulation usually contained in their labor contract.

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 November 2009 in a free and fair runoff election, Jose Mujica won a five-year presidential term and a majority in parliament. Mujica entered office on March 1. Uruguay has a multiparty electoral system with three major parties. Security forces reported to civilian authorities.

Principal human rights abuses included severe overcrowding, inhuman conditions, and disrepair in the prison system; 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; however, police killed one person.

In September the Government moved to prosecute a police officer for homicide and three police officers for concealment after killing a 23 year-old man who fled instead of complying with an order to stop his vehicle. Authorities accused the officers of justifying their actions by leaving a firearm on the passenger seat of the victim's vehicle to make it appear that they had been attacked.

There was no information available about the case of the police chief and three police officers who faced trial in connection with the 2008 strangulation death of a detainee.

The Government continued to investigate the serious human rights violations committed during the 1973-85 military dictatorship. In 2009 a judge sentenced former military dictator Gregorio Alvarez to 25 years of prison for his role in aggravated homicides and disappearances. An appeals court confirmed this sentence in August and, in November, ruled that amnesty was unconstitutional in a number of cases involving human rights violations during the dictatorship.

In February a court convicted and sentenced Juan Maria Bordaberry, the democratically elected president in office during the first years of the military rule, to 30 years in prison for the same crimes. Alvarez was serving his sentence in a military prison, and Bordaberry was under house arrest due to poor health.

In November General Miguel Dalmao and Colonel Jose Chialanza were prosecuted on the charge of aggravated homicide and sent to prison pending trial for their complicity in the death of Nibia Sabalsagaray. Sabalsagaray died from torture during the military dictatorship in 1974. Dalmao was the first active-duty military officer prosecuted for human rights violations in the country.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions continued to be poor, as the Government did not adequately maintain aging facilities and provided insufficient resources for the prison system.

Overcrowding was a significant problem despite the Government's efforts to build more prison facilities. According to government figures, the total prisoner population as of August 31 exceeded design capacity by 1,976 prisoners, or 29 percent (the prison ombudsman's 2009 report defined 20 percent overcrowding as "critical"). Addi-

tionally, many necessities were lacking and many prisoners depended on visitors for enough food to reach the daily minimum caloric intake.

Prisoner-on-prisoner violence continued to be a daily problem, partially due to the lack of a separate, high-security prison for violent criminals. A high percentage of prisoners reportedly used drugs.

Fire hazards and violence continued to plague the prison system. In 2009 there were 39 deaths due to violence, and fires in prisons were reported. In July a cell fire killed 12 prisoners in Rocha Province. In August 5 prisoners perished in a cell fire in Comcar Prison in Montevideo. The fires started due to handcrafted heaters that set makeshift partitions on fire. Initial investigations revealed that fire extinguishers were not adequately maintained in both facilities.

In general overcrowding and understaffing in some facilities resulted in problems related to sanitation, ventilation, temperature, lighting, access to potable water, and health. Supervision of medical care moved to the Ministry of Public Health, which implemented a pilot system in July to provide basic and emergency medical care to a prison in rural Montevideo that housed 3,000 inmates. An Anti-Tuberculosis Commission report confirmed 81 cases of tuberculosis in the prison population in 2009.

The General Assembly elects a prison system ombudsman who is responsible for monitoring and reporting to parliament on prison conditions in the nation's 29 detention centers. This ombudsman receives complaints from prisoners and may present reports and recommendations but may not act on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding. The ombudsman's report does not improve pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman is mandated by parliament to present an annual report with his observations and recommendations. The separation of powers makes his conclusions valuable but not mandatory to the judiciary.

Government figures from the end of August recorded that there were 8,091 male and 692 female prisoners, of whom 34 percent had been sentenced, while 66 percent were awaiting trial. Pretrial detainees and convicted criminals were held together, but female and male prisoners were held in separate facilities. During the year, 32 children lived in prison facilities with their inmate mothers.

The Uruguayan Institute for Adolescents and Children (INAU), which supervises juvenile detention and is tasked with protecting abandoned and orphaned children under age 18, also operated institutions to hold minor detainees. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resembled traditional jails and had cells. In September INAU reported 310 juveniles were incarcerated. Conditions in some of these facilities were similar to adult versions, and conditions in others worsened and security was tightened because of frequent escape attempts. Male juvenile delinquents were held in a central processing detention center in Montevideo for up to 60 days before their sentencing. Independent prison observers reported that this detention center suffered chronic overcrowding, often with 10 adolescents living in a cell designed for six. Additionally, these observers reported that some high-security juvenile delinquents were often held in cells with no access to natural light or fresh air. Female juvenile criminals were processed and held in separate detention centers. Most incarcerated juveniles did not receive formal education; however, some detention centers allowed the youth to receive vocational training. The prison system ombudsman cannot address the status and circumstances of confinement of juvenile offenders.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. 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. In March 2009 a UN special rapporteur on torture issued a report on the inhumane and degrading conditions of the prison system. In response the Government made prison reforms a priority.

The Government investigated and monitored prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. There were no reported complaints of police abuse in prisons during the year, which some observers attributed to fear of reprisals from prison staff; however, the prison ombudsman received unofficial reports of maltreatment. Authorities investigated credible allegations of inhumane conditions. The results were documented by the Ministry of the Interior but were not public record.

In April the Government inaugurated "El Molino," a detention center for 30 female prisoners with children. INAU offered kindergarten services to these children,

and their mothers received education and training for their reinsertion into society. Inmates and their children received adequate health services.

In June the Government created the Oficina de Supervision de Libertad Asistida (OSLA), a bureau within the National Directorate of Prisons. OSLA police officers monitor criminals who receive alternative sentences to perform community service work. OSLA officers are required to prepare individual profiles on the inmates based on psychological, social, legal, and labor records and to supervise their sentence term outside prison.

Despite outlining many concerns, the prison ombudsman's report for the year identified some positive practices. The report highlighted an increase in prisoners in open prisons ("chacras") in each province, where the detainees were involved in maintaining small land holdings; the continuation of a successful clinic in one of the country's largest prisons; and advances in providing primary education to inmates. Government figures reported that 45 percent of prisoners in the 29 detention centers study or work.

In September the Government enacted a law modifying the system of temporary releases (salidas transitorias). The law allows judges to grant up to a 72-hour weekly release for prisoners with a good record of conduct to work or study in the custody of and accompanied by a police officer wearing street clothes. According to the law, prisoners may choose a family member or an individual, instead of a police officer, as legal assurance of their compliance with the activities performed outside the detention center.

The Government accelerated and amplified its program to ease the chronic overcrowding. On July 15, it enacted an emergency law to allow for a one-time budget allotment of 15 million pesos (\$750,000) to build additional facilities and refurbish existing ones, expanding the capacity of the total prison system by 2,550 places; to purchase or rent facilities to redistribute prisoners; to purchase the necessary equipment to improve food, hygiene, and health conditions; to use military facilities to relocate prisoners; and to hire 1,500 prison guards and technical staff (psychologists, psychiatrists, and teachers). In order to comply with the plan of action, the law simplified bureaucratic procedures until December 31. By year's end, the emergency law resulted in roughly 500 additional spaces in the prison system, and applications for 800 new technical staff and prison guards were processed. The Government opened a special link in its Web page to post prison condition updates in order to increase transparency.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law requires police to have a written warrant issued by a judge before making an arrest except when police apprehend the accused during commission of a crime, and authorities generally respected this provision in practice.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

The Ministry of the Interior's Directorate of Internal Affairs operated a hotline for complaints of police abuse. The directorate received 1,232 complaints of police abuse during the year.

Arrest Procedures and Treatment While in Detention.—Persons were apprehended openly with warrants based on sufficient evidence, issued by a duly authorized official, and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of detention 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 police prior to a detainee's appearance before a judge and attorney (without police present) are not valid. A judge must investigate any detainee's claim of mistreatment. A lawyer assigned to each police station reports to the Ministry of the Interior concerning the treatment of detainees.

For a detainee who cannot afford a lawyer, the court appoints a public defender at no cost to the detainee. 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. Detainees were allowed prompt access to family members. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions and psychological stress in the prisons. Trial delays were caused by lengthy legal procedures, large numbers of detainees, and staff shortages.

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.

Defendants enjoy a presumption of innocence. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Defendants have the right to consult an attorney in a timely manner, and those that do not have an attorney are provided one at the state's expense. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Individual judges may elect to hear oral arguments, but most judges choose the written method, a major factor slowing the judicial process. Criminal trials are held in a circuit court. 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 handled civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and work force to enforce restraining orders, which often were 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 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 2009 Internet penetration in Uruguay was 38 percent. Internet access was widely available and used by citizens; many restaurants, cafes, and public areas had free WiFi access.

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.—For a complete description of religious freedom, please see the 2010 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 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 laws provide for the granting of refugee status, 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. In 2009 the Government signed a UNHCR framework agreement to accept 15 additional refugees per year. The NGO Servicio Ecuemenico Para la Dignidad Humana, a member of the National Refugee Committee and a UNHCR partner, reported that there are 174 refugees in the country. During the year the Government accepted 10 Colombians resettled from Ecuador under the "Plan de Reasentamiento Solidario de Mexico de 2004." While the Government received nine refugee applications through the normal UNHCR process, it granted refugee status to only one.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account

of their race, religion, nationality, membership in a particular social group, or political opinion. In conjunction with UNHCR, the Government supported repatriation of refugees upon request of the individual.

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 based on universal suffrage.

Elections and Political Participation.—In November 2009 Jose Mujica of the incumbent Frente Amplio (Broad Front) coalition won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries in June 2009 and a free and fair first-round election among the four leading parties in October 2009. President Mujica took office on March 1.

In parliamentary elections in October 2009, the Frente Amplio won 16 of 30 seats in the Senate and 50 of 99 seats in the House of Representatives.

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 12 representatives are women. Two of the 13 cabinet ministers are women.

There were no members of minorities in parliament. There was one member of a minority in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were some formal and informal reports of police corruption, which authorities addressed with appropriate legal action. In July a scandal involving fraudulent purchases in the Navy was widely reported. The investigation continued and many high-ranking Navy officials stepped down and/or were criminally charged.

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 5. 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.

In September the UN special rapporteur on trafficking in persons visited the country. She recommended that the Government support more in-depth statistical research, increase campaigns to raise awareness, and train more government, law enforcement, and judiciary officials.

Section 6. 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 Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director of human rights and including government, religious, and civil society representatives, proposes policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Since its creation in 2007, the commission investigated 70 claims from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. There were five cases brought to the commission's attention during the year, only one of which it referred for legal action. The commission considered the other cases not valid for its action or handled them through mediation or other means.

Women.—The law criminalizes rape, including spousal rape. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape. According to Ministry of Interior statistics, between January and December there were 227 cases of rape and 84 cases of attempted rape.

The Ministry of Interior 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 11,255 cases of domestic violence of which 35 cases resulted in murder. 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 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.

In October the Government approved the creation of domestic violence units in police headquarters in the interior. Human resources and budget assignments are allotted by taking into account the prevalence of domestic violence in each region.

Additionally, representatives of the Uruguayan Network against Domestic and Sexual Violence formally denounced the Government at the Human Rights Committee of the Organization of American States for failing to protect women who die in the country as victims of domestic violence, despite having presented formal complaints and often receiving restraining orders or other preventive measures ruled by the judiciary. The network represented 34 NGOs in the country.

The Montevideo municipal government funded a free nation-wide hotline operated 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.

The law prohibits sexual harassment in the workplace and punishes it by fines or dismissal. The law establishes guidelines for the prevention of sexual harassment in the workplace and in student-professor relations and defines a system of damages for victims.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. The Population Reference Bureau reported contraceptive use of 75 percent among married women. The UN Population Fund reported in 2008 that the maternal mortality ratio was 27 deaths per 100,000 live births. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Under the law, women enjoy 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. The law declares a state interest in gender equality and decrees the creation of the National Plan for Equal Rights and Opportunity. The National Institute for Women supervised the work of a Tripartite Committee on Equal Opportunities and Employment, which includes a subcommittee on gender consideration in salaries and benefits. There was some segregation by gender in the workforce. Women constituted almost half of the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men.

Children.—Citizenship is derived by birth within the country's territory or through one's parents. The Government immediately registers all births.

There were few reports of physical or sexual child abuse.

Some minors engaged in prostitution and forced labor. INAU found that they sometimes did so at the request of their families to increase income. The minimum age for consensual sex is 12 years old. When a sexual union takes place with a minor under the age of 15, violence is presumed and statutory rape laws, which carry a penalty of two to 12 years in prison, can be applied. However, minors between the age of 12 and 15 can legally agree to consensual sex; if they consent, any presumed violence is waived. Penalties for pimping children range from four to 16 years in prison. Child pornography is illegal, and penalties range from one to two years in prison. The International Criminal Police Organization (INTERPOL) continued to uncover 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 one child pornography case that became known in June. The authorities, working with information received from UK law enforcement officials via INTERPOL, tracked down a computer server where child pornography was stored. Authorities arrested the producer of the pornography and prosecuted him under the child pornography law.

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 Sys-

tem 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 of child abuse.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual Report on the Compliance with the Hague Convention on the Civil Aspects of International Child Abduction at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—Jewish community leaders reported that government officials and society generally respected members of their community, which numbered approximately 18,000 to 20,000 according to the Jewish Central Committee. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 but did not provide sufficient services such as transportation, which inhibited some persons from accessing these services.

The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down's syndrome, received specially adapted laptops under Plan Ceibal (one laptop per child).

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public sector jobs for persons with physical and mental disabilities, but the quota went unfilled.

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 are 10 percent of the population and indigenous descendants constituted another 3 percent. A July 2009 study concluded that 43 percent of Afro-Uruguayans were poor, with 5 percent living in extreme poverty. The study concluded that race is one of the factors responsible for socioeconomic inequality in the country. The NGO Mundo Afro stated that the percentage of Afro-Uruguayans working as unskilled laborers was much larger than for 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.

The Government did not fully implement initiatives to increase visibility and improve communication amongst the Afro-Uruguayan community. For example, Mundo Afro appointed advisors to each ministry, but these advisors have had extremely limited roles and do not receive financial support. The Government did support the creation of a commission to draft the first National Plan Against Racism and Discrimination. The Government also continued its outreach to the Afro-Uruguayan community for participation in the Quijano Scholarship Program for postgraduate work. Afro-Uruguayan community representatives, however, sought programs focused more on undergraduate education, noting that only 1 percent of Afro-Uruguayans attend college. For the last two years, the National Police Academy has included discrimination awareness training as part of its curriculum.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—No laws criminalize sexual orientation, and authorities widely protected the rights of the LGBT community. The LGBT community benefits from many rights, specifically, the right to civil union for same-sex couples, the right for same-sex couples to adopt, and the right for transgender individuals to change their gender. However, the technical commission that reviews applicants who want to formally request a change of gender has not yet been formed; therefore, the right for transgender individuals to change their gender exists only in theory and not in practice.

In September the LGBT community joined with other civil rights and gender-rights groups in an annual "Diversity March," which drew nearly 10,000 participants. Police generally afforded protection to the LGBT community. Hate crimes were rare, but there were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. There were occasional

reports of nonviolent societal discrimination based on sexual orientation and gender identity.

Other Societal Violence or Discrimination.—There were isolated reports of societal discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. The Right of Association.—The constitution grants the right of association, and the law promotes organization of trade unions, 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. Legal foreign workers may join unions.

Unionization was higher in the public sector (more than 42 percent) than in the private sector (approximately 10 percent). Agricultural workers are not formally represented within the national labor union system.

The constitution provides workers with the right to strike, and workers exercised this right 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. 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 regulates collective bargaining and grants the Government a large role in adjudicating labor disputes. A Superior Tripartite Council is made up of 21 officials: nine from the executive branch of government, six from the business community, and six from organized labor. This council administers the salary councils and has authority to make determinations related to labor negotiations. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized.

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. In February a new law (No. 18.572) that shortened procedures for resolving disputes went into effect. An employer is informed in advance of the reason for the claim and the alleged amount owed to the worker. However, articles of the law have been deemed unconstitutional by the Supreme Court of Justice and, in practice, the processes to resolve disputes have not been shortened.

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. 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. The Government's National Committee for the Eradication of Child Labor estimated that 8 percent of children and adolescents between the ages of eight and 17 years old worked. Some children worked as street vendors in the informal sector or in agricultural activities; these were areas generally less strictly regulated and in which pay was lower than in the formal sector. There were isolated reports of parents transferring their children 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 the ages of 15 and 18 may not work more than six hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m.

Violations of child labor laws are generally punishable by fines but may extend to imprisonment of three months to four years.

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 had five trained inspectors to handle an estimated 1,250 inspections per year.

e. Acceptable Conditions of Work.—The Ministry of Labor and Social Security enforces a legislated minimum monthly wage that covers both the public and private sectors. The ministry adjusts the minimum wage whenever public sector wages are adjusted. The monthly minimum wage of 4,799 pesos (approximately \$240) functioned 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. While there are no known mechanisms for enforcement, observers believed companies generally complied with the regulations.

The standard workweek ranged from 44 to 48 hours, 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 citizens and foreign workers were employed 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, although some workers claimed a subsequent loss of other privileges at work based on their refusal to work in unsafe conditions.

VENEZUELA

Venezuela is a multiparty constitutional democracy with a population of approximately 28 million. In 2006 voters reelected President Hugo Chavez Frias of the Fifth Republic Movement party. International observer missions deemed the elections generally free and fair but noted some irregularities. On September 26, voters elected 165 deputies to the National Assembly. Voting on election day was generally free and fair with scattered reports of irregularities. However, domestic election observers and opposition political parties criticized both the electoral law, claiming it violated the constitutional principle of proportionality, and the Government's partisan use of state-owned media. There were instances in which elements of the security forces acted independently of civilian control.

The following human rights problems were reported by nongovernmental organizations (NGOs), the media, and in some cases the Government itself: unlawful killings, including summary executions of criminal suspects; widespread criminal kidnappings for ransom; prison violence and harsh prison conditions; inadequate juvenile detention centers; arbitrary arrests and detentions; corruption and impunity in police forces; corruption, inefficiency, and politicization in a judicial system characterized by trial delays and violations of due process; political prisoners and selective prosecution for political purposes; infringement of citizens' privacy rights; restrictions on freedom of expression; government threats to sanction or close television stations and newspapers; corruption at all levels of government; threats against domestic NGOs; 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 were accused of committing unlawful killings, including summary executions of criminal suspects.

There were several reports that security forces allegedly committed arbitrary or unlawful deprivations of life. The human rights NGO Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 237 deaths due to security

force actions from October 2009 through September 2010, a 15-percent increase compared with the previous year. The causes of death were categorized as 199 executions, nine cases of excessive use of force, 16 cases of indiscriminate use of force, 10 cases of torture or cruel treatment, and three cases of negligence.

Prosecutors occasionally brought cases against such perpetrators. Sentences frequently were light, and convictions often were overturned on appeal. According to PROVEA, 463 public officials were involved in extrajudicial killings in 2009, the last year for which statistics were available. There was no information available on the numbers of public officials who received prison sentences for involvement in extrajudicial killings.

On September 1, 19-year-old Wilmer Jose Flores Barrios was killed in Aragua State, making him the sixth member of his family to be killed since 1998. Since 2004 the Barrios family, including Wilmer, had been under protection orders issued by the Inter-American Commission on Human Rights (IACHR). The IACHR “deplored the fact that members of the Barrios family in Venezuela have been executed extrajudicially without the State having adopted measures to protect the life of these persons or to investigate these crimes.” The IACHR described at least five of the family’s murders as extrajudicial executions perpetrated by Aragua state police agents. On July 26, the IACHR submitted the Barrios family case to the Inter-American Court of Human Rights, noting that the Government “did not provide effective protection measures” and that “the facts of the case fall within a more general context of extrajudicial executions in Venezuela by regional police forces, a situation the Inter-American Commission has been following closely through various mechanisms” (see section 1.e.).

There were no known developments in the prosecution of three Merida policemen, one member of the Bolivarian Intelligence Service (SEBIN), formerly the Directorate of Intelligence and Prevention Services (DISIP), and one civilian in the January 2009 killing of eight young persons in a cafe in El Vigia, Merida. The accused remained in the Coro Penitentiary pending trial.

On October 22, the court convicted and sentenced Merida police inspector Julio Cesar Carucci to imprisonment for 17 years and six months as the material author of the April 2009 killing of student leader Yuban Ortega during a demonstration in Merida. Two other police officers, Jose Oscar Angel Davila and Pablo Emilio Parra Hernandez, were each sentenced to imprisonment for three years, one month, and 15 days for improper use of weapons and violation of international agreements.

There was no information available about the investigation into the May 2009 killing of Anderson Naranjo by 10 individuals dressed as El Valle police officials.

There was no information available about the investigation of two Caracas Police Department members, Alejandro Guerra and Jorge Corrales, for their alleged involvement in the May 2009 killing of taxi driver Freddy Jose Castillin. They remained detained at year’s end.

On October 6, Yeres Smith Reyes and Victoriano Gonzalez Teran confessed and were sentenced to imprisonment for 11 years and four months for the June 2009 killing of psychologist Ana Matilde Raimondi de Bellorin. The trial against two other suspects, Wilmer Flores Monsalve and Leonel Matos Gonzalez, remained pending at year’s end. The four were members of the Libertador Municipal Police Department.

On June 23, the court sentenced Lieutenant Saher Ernesto Delgado Marchan and Sergeant Dirga Miguel Rodriguez Martinez to 18 years in prison for the 2008 beating and killing of Jean Carlos Rondon in Monagas State. Three other suspects were acquitted.

There was no information available about the investigation into the 2008 killing of Roger Oscar Avila by unknown assailants dressed as Caracas Metropolitan Police.

There were no known developments in the 2008 shooting and killing of El Rodeo jail inmate Miguel Hiroyuki Baba Barroyeta and the injuring of five individuals (inmates Alexander Jose Gonzalez Mosquera, Renato Javier Rea Noguera, and Hector Luis Solorzano Dias as well as National Guardsman Victor Eduardo Salcedo Ochoa and driver Manuel Eloy Gonzales), which occurred while the inmates were in custody and being transferred from court to prison. According to the prosecutor general, the shooting resulted from prisoners attempting to seize weapons and escape.

There were no known developments in the trial of 10 Lara state police officers charged in the so-called Massacre of Chabasquen in 2008, in which six persons (including four minors) were tortured and killed in Portuguesa State. The accused remained in prison pending trial.

There were multiple developments during the year in connection with the 1989 killings in Caracas known as the “Caracazo.”

On February 24, the Public Ministry claimed to have successfully exhumed the remains of 47 persons who may have been killed during the Caracazo. Identification

of the 47 victims (10 female and 37 male) remained underway at year's end. Representatives from The Committee of Family Members of the Events that Occurred between February 27 and the First Days of March of 1989 (COFAVIC), an NGO representing the families of many of the victims, were not allowed to be present during the exhumation of victims' remains.

Throughout the year COFAVIC urged the Government to permit experts from the Argentine Forensic Anthropology Team to participate in the exhumation process, identification of the victims, and collection of forensic evidence; to designate a neutral location rather than military or police facilities to perform the forensic examinations; and to provide full access to its files by the victims' families and lawyers. By year's end the Prosecutor General's Office had not responded to COFAVIC's requests.

In February and March the Public Ministry and COFAVIC engaged in a dispute over COFAVIC's records containing postmortem and other information on the victims. COFAVIC claimed the information had been provided confidentially to COFAVIC by victims' families. On February 26, the prosecutor general threatened COFAVIC with legal charges for failure to turn over the information, and on March 1, the director of the litigation office of the Prosecutor General's Office accused COFAVIC of refusing to cooperate with the Government's investigation of the Caracazo. COFAVIC claimed the requested information had already been provided to the Government by COFAVIC (on November 26, 1990, and on November 24, 2009), the Inter-American Court of Human Rights (on July 5, 1998), and family members. COFAVIC also charged that the Government's statements constituted a serious threat against COFAVIC and the families of the Caracazo victims. On March 4, the World Organization against Torture, in conjunction with the International Federation of Human Rights, publicly called on the Government to immediately end its harassment of COFAVIC and to guarantee the security and safety of its members.

On March 18, the Supreme Court approved the March 1 extradition request submitted by Prosecutor General Luisa Ortega Diaz for former president Carlos Andres Perez in connection with his alleged involvement in the Caracazo; Perez died outside the country on December 25.

The Public Ministry also announced it was investigating 336 individuals for their alleged involvement in the Caracazo.

On March 19, the Public Ministry charged former minister of defense Italo Del Valle Alliegro with premeditated homicide and violating treaties and international conventions in connection with the Caracazo. On June 28, the Ninth Court of Appeals in Caracas dismissed the charges asserting the period for filing charges had lapsed. On July 2, the Public Ministry asked the Supreme Court to reopen the case. On July 21, the Supreme Court announced the dismissal or suspension of 16 judges, including the dismissal of two provisional judges, Jose Alfonso Dugarte and Juan Carlos Villegas, and the suspension of the third, Angel Zerpa, involved in this case. On July 29, the Supreme Court declared the appeals court judges' decision to have been an "inexcusable error."

On May 14, the Public Ministry charged the former Caracas Strategic Command chief, General Manuel Heinz Azpurua, with premeditated homicide and violating treaties and international conventions in relation to the Caracazo.

On May 26, the National Assembly approved 9,282,000 BsF (\$3,570,000) in compensation for the families of 63 of the victims.

On August 24, the prosecutor general charged retired general Jose Rafael Leon Orsoni with premeditated homicide and violating treaties and international conventions in relation to the Caracazo.

There were no known developments in the prosecution of retired general Freddy Maya Cardona and the Metropolitan Police commander, retired general Luis Guillermo Fuentes Serra, who had been charged in connection with the Caracazo.

There were no known developments in the retrial of two police officers for their alleged involvement in the killing of Luis Manuel Colmenares during the Caracazo. An appeals court had annulled their 2003 acquittal in 2004.

There was one development during the year in connection with the so-called El Amparo massacre in 1988, in which government security forces allegedly killed 14 persons. In January the Inter-American Court of Human Rights convoked a private hearing to obtain information from the Government regarding its implementation of the court's 1995 decision that required reparations to the victims' families, continuation of the investigation of the massacre, and prosecution of those responsible. On February 4, the court issued a resolution requiring the country to implement the 1995 ruling regarding reparations and requesting that the Government provide a timeline by June 25 with its planned actions to investigate and prosecute those responsible for the massacre. On October 26, PROVEA called on the Public Ministry

to give the El Amparo massacre the same attention as other grave human rights abuses that occurred during the 1980s (see section 1.e.).

There was one development during the year in connection with the so-called Yumare massacre in 1986, in which nine persons were killed. In May former DISIP commissioner German Gustavo Justino Lamoglia Mendoza was arrested for his alleged involvement in the massacre. An investigation remained pending at year's end. The Public Ministry reported in August that there were 29 individuals charged in the massacre and 12 persons formally accused.

There were the following developments during the year in connection with the so-called Cantaura massacre in 1982, in which armed forces and DISIP members allegedly killed 25 persons:

Exhumation of victims' remains continued during the year. In May the Public Ministry reported having exhumed 17 victims' remains from five separate states and Caracas. On October 1, the Government announced the exhumation of another victim.

On September 17, PROVEA published an open letter to President Chavez expressing concern about the decision of the United Socialist Party of Venezuela (PSUV) to nominate Roger Cordero Lara as a candidate for the National Assembly in the September 26 elections. PROVEA alleged that Cordero Lara had commanded one of the airplanes that participated in the bombardment of the guerrilla camp in Cantaura. Following Cordero Lara's election, PROVEA publicly demanded that the newly elected National Assembly lift his parliamentary immunity to permit an investigation to proceed.

On December 10, the Public Ministry announced that alleged paramilitary chief Sandra Barrera Cardozo would be tried for the September 2009 killing of Panamericano mayor Lluvane Alvarez in Tachira State and the August 2009 killing of Pablo Ruiz and Willer Quintero Valdez. She remained detained at the Western Penitentiary Center at year's end. Alix Xiomara Fuentes Ortega had previously been sentenced to one year and six months' imprisonment for involvement in Alvarez's killing; two other suspects, Roberth Centeno Sanchez and Fernando Gonzalez Vergara, were also pending trial for the three killings.

Societal violence remained high. The NGO Venezuelan Observatory of Violence (OVV) reported 16,047 killings nationwide in 2009, or 70 killings per 100,000 inhabitants, and estimated 17,600 homicides in 2010. The OVV reported that during the past 10 years there were 20,743 homicides in Caracas. On August 20, the *El Nacional* newspaper cited a leaked survey by the Government's National Statistics Institute (INE) reporting that 19,113 persons were killed nationwide in 2009, or 75 per 100,000 inhabitants. The OVV reported in February that in 91 percent of the 2009 homicide cases there had been no arrest. On August 13, *El Nacional* reported that in the first six months of 2010, police initiated 5,186 homicide investigations.

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

Criminal kidnappings for ransom reportedly were widespread in both urban centers and rural areas. The newspaper *El Universal* reported on April 12 that 405 kidnappings had occurred in the first 100 days of the year. However, the newspaper *Ultimas Noticias* reported in June that 249 kidnappings had occurred during the first five months. The states with the largest numbers of kidnappings were Zulia (37 cases), Carabobo (29), and Anzoategui (22). According to the National Federation of Cattle Ranchers (Fedenaga), 382 kidnappings took place in 2009 and 157 in the first six months of the year. However, according to the Government's INE survey covering July 2008-July 2009, 16,917 persons were victims of kidnappings, of whom only an estimated 60 percent reported the crime to authorities. Approximately 75 percent of the cases involved "express kidnappings," in which the victims were held for several hours and then released. NGOs noted that many victims did not report kidnappings to police or other authorities.

The media frequently reported the public perception of collaboration between police and kidnappers. According to the NGO Active Peace, in 2008 the average total cost to the victim of a kidnapping—based on an average of 12 days in captivity, a negotiator's fee, and ransom paid—was approximately the equivalent of 306,800 BsF (\$118,000). Human rights NGOs reported approximately 20 percent of kidnapping victims were minors or students. According to the INE survey, an estimated 30 percent of the victims were under 25 years of age.

Notable examples of the linkage between police officials and kidnappers included:

On March 9, the Public Ministry charged two Caracas Metropolitan Police officers and a police commissioner in the March 3 kidnapping of a 33-year-old woman allegedly held for ransom inside the police headquarters of Santa Rosalia, in the El Cementerio district of Caracas. A trial was pending at year's end.

On March 12, a group of 17 to 20 men allegedly dressed in Bolívar state police uniforms reportedly abducted Gabriel Antonio Ramirez, Jose Leonardo Ramirez, and Nedfrank Xavier Cona. According to press reports, officers on police motorcycles escorted the car transporting the abducted young men. The victims were reportedly working as laborers on new university buildings in the city of Barcelona in Anzoátegui State. On May 27, the Prosecutor General's Office charged six police officers (Jhonny Moya, Simon Felice, Juan Prado, Luis Magallanes, Pedro Quero, and Hector Romero) from the Simon Bolívar municipality of Barcelona with forced disappearance, violation of the home, abuse of authority, and violating treaties and international conventions.

On April 6, the Public Ministry charged three officers of the Scientific, Penal, and Penal Investigative Corps (CICPC) in the March 23 kidnapping of Luis Santiago de Ponce in Antimano. The officers, Erarith Rafael Frias Vegas, Jose Raul Blanco Rosales, and Wilfredo Camacho Martinez, allegedly kidnapped Ponce at gunpoint, held him in a CICPC warehouse, and forced his family to pay a ransom for his return. A trial remained pending at year's end.

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 tortured and abused detainees. During the year the National Assembly did not act on the fourth transitional provision of the constitution requiring the assembly to adopt by 2001 either a law or a reform of the penal code to provide sanctions for torture. The NGO Network of Support for Justice and Peace reported that the lack of such a law contributed to the Government's failure adequately to punish officials responsible for torture; the lack of programs providing medical, psychological, and rehabilitation services to victims; and the lack of a fund to compensate victims.

PROVEA reported that between October 2009 and September 2010 it received complaints alleging torture involving 36 victims and cruel, inhuman, and degrading treatment involving 350 victims, an 18 percent decrease from the 427 cases in the previous year. (PROVEA defines "torture" as methods used by state security force members to extract information from victims and "cruel and inhuman treatment" as methods used by those members to punish or intimidate victims.) PROVEA reported that 10 persons died while in state custody as a result of torture or cruel treatment (see section 1.a.).

In August 2009 the Public Defender's Office reported that allegations of torture by the police had increased by 10 percent during 2008. Of the 87 complaint cases filed that year, 66 resulted from alleged physical torture and 21 from alleged psychological torture; 62 percent of the victims were men between 20 and 34 years of age. The Public Defender's Office did not publish statistics regarding allegations of torture by police for 2010.

Human rights groups continued to question the commitment of the prosecutor general and the public defender to conduct impartial investigations. There were no data available on convictions in cases of alleged torture.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies. Torture and other cruel, inhuman, or degrading treatment or punishments of prisoners were reported during the year. Among the more notable examples were:

On June 16 two police officers from the municipality of Guanta in Anzoátegui State were sentenced to four years, two months, and 17 days in prison for the April 1 torture of a private citizen held in custody at the police headquarters of the town. The officers, Ramon Ernesto Garcia Figueroa and Robert Jose Alcala Sabino, were found guilty of inflicting personal injury, torture, abuse of authority, and violating treaties and international conventions.

In July the NGO Venezuelan Observatory of Prisons (OVP) publicly denounced five cases of alleged torture during June of prisoners in the newly opened Yare III penitentiary and requested that the Public Ministry conduct an immediate and impartial investigation. The OVP did not receive a response to its request. These five cases included allegations that guards committed the following abuses: burned Mayker Alfredo Plazola Quintero on his nipples with a lighter, subjected him to electric shock, and beat him with a bat; beat Eric Jose Coello with an aluminum bat and a club for five days while he was in an isolation cell and then transferred him to the Puente Ayala penitentiary in Anzoátegui State; beat Jhonny Anibal Hernandez with a bat and subjected him to electric shocks, reportedly in the presence of the prison's director, and as a punishment for complaining, transferred him to the Puente Ayala penitentiary in Anzoátegui State; removed Mohamad Adul Raman from the general population during a roll call, placed him in an isolation cell, reportedly beat him with a shovel, burned his left shoulder with a cigarette, and transferred him to a prison hospital for medical treatment the following day after he suf-

ferred a series of convulsions; and allegedly beat 20 inmates who were being transferred from Yare I and reportedly later transferred them to four separate facilities around the country.

Prison and Detention Center Conditions.—Prison conditions were harsh due to poorly trained and allegedly corrupt prison staff; violence and alleged extortion by guards and inmates, some gang-related and fueled by trafficking in arms and drugs; severe overcrowding in some prisons; and food and water shortages. The NGO A Window to Liberty reported that there were approximately 43,460 inmates in the country's 33 prisons and penitentiaries as of October and that these prisons were filled 300 percent beyond capacity. Leading prison-monitoring NGOs estimated that there was capacity for only 12,500-14,000 inmates nationwide.

Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were reportedly crowded into small, unsanitary cells. Women and men generally were held in separate prison facilities. The OVP stated that while no prison had good conditions, women's facilities were generally less violent and healthier than those for men.

The National Guard and the Ministry of Interior and Justice have responsibility for prisons' exterior and interior security, respectively. The Government failed to provide adequate prison security. On November 5, the IACHR released an annex to its press release on its 140th session that noted a report that the number of deaths in prisons had increased 25 percent from 2009, with 352 deaths in prison as of that date, and a 31 percent increase in injuries, with 736 reported through the third quarter of the year. Most such deaths and injuries resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions.

PROVEA reported that, in the first nine months of the year, four inmates died and 113 were injured as a result of inmate-organized knife fights, commonly known as "the coliseum," which occurred in the Uribana penitentiary in Lara State as a way to settle differences among prisoners. On November 9, the IACHR denounced the "coliseum" violence and stressed the Government's obligation to ensure the safety of inmates.

During the year prisoners conducted hunger strikes and violent uprisings to protest administrative delays and harsh prison conditions. While prisoners and detainees were permitted religious observance and had access to visitors, in some cases prison officials allegedly harassed or abused visitors. On June 24, Amnesty International reported that guards at the Fuerte de Macoa military jail in Zulia State forced three female relatives of jailed indigenous Yukpa leader Sabino Romero Izarra to undress, touched them inappropriately, and threatened them with imprisonment (see section 6).

On May 11, the press reported that more than 1,000 inmates started a hunger strike at Los Teques prison, claiming the National Guard mistreated relatives waiting to visit them and subjected them to unnecessary physical inspections. Beginning on May 14, the press reported that prisoners at the Penitenciaría General de Venezuela, the Internado Judicial de San Juan de los Morros, La Planta, Rodeo I, and Rodeo II launched hunger strikes demanding a dialogue with the Ministry of Interior and Justice to discuss judicial delays and alleged mistreatment of family members during visiting hours. According to the press, the hunger strike quickly spread to 15 prisons and the list of complaints grew to include prison overcrowding and visitation policies. The strike was short-lived, but some prisoners and their family members continued to demand that the Government declare a prison state of emergency and that Supreme Court President Luisa Estela Morales visit the prisons and initiate a dialogue on prison reform. National Director of Penitentiary Services Consuelo Cerrada issued a press statement on May 26 claiming that "every time there is a little incident in a penitentiary facility, the media magnify it with the sole purpose of destabilizing the national territory."

During the year there were numerous prison riots that resulted in inmate deaths and injuries. Among some notable examples were:

According to the Public Ministry, on January 27, eight inmates were killed and more than 17 wounded during an exchange of gunfire at La Planta (El Paraíso) prison in Caracas. On January 28, the Public Ministry launched an investigation into the incident. The results of that investigation were not available.

On April 12, the OVP reported that seven inmates at the Western Penitentiary Center Santa Ana in Tachira State died in a prison riot. On May 4, eight inmates died in a second violent confrontation among prisoners. According to information released by the authorities, three of the victims were killed with firearms and three with bladed weapons, while two were burned to death.

According to official and press reports, on September 27, prisoners began a riot at the Tocatoron prison in Aragua State that lasted for several days and resulted in 16 deaths and 35 injuries. The Government sent 800 National Guardsmen and military forces to end the riot. On October 1, approximately 5,000 prisoners at Tocatoron launched a hunger strike to protest the military presence and the suspension of family visits. They were joined by an estimated 18,000 inmates at 11 prison facilities nationwide, according to the OVP. On October 5, 300 family members joined the hunger strike to protest the planned transfer of inmates to other facilities. Government officials announced on October 7 the resumption of family visits and the establishment of provisional courts in the prison to ease the case backlog. Following this agreement, prisoners at all but one of the prisons ended their hunger strikes. Inmates at a prison in Bolivar State continued to demand the removal of the warden, improved conditions, and attention to their trial delays. On November 24, the Inter-American Court of Human Rights determined that the situation at Tocatoron Prison was one of "extreme gravity" and ordered the Government to take definitive and immediate measures to protect the inmates.

Human rights observers continued to experience lengthy administrative delays and restricted access to prisons and detention centers. The International Committee of the Red Cross (ICRC) did not have access to prisons except for the two controlled by SEBIN and the military for security detainees. The public defender did not generally advocate on behalf of prisoners and detainees for alternatives to incarceration.

Throughout the year the IACHR issued several statements calling on the Government to improve prison conditions and adopt appropriate measures to prevent similar outbreaks of violence. On January 30, in response to the deaths of prisoners at La Planta prison, the IACHR urged the Government to ensure that inmates were adequately protected and to adopt appropriate measures to prevent similar outbreaks of violence. In March in response to a prison riot at Yare I, the IACHR called on the Government to adopt measures necessary to ensure that similar events were not repeated. On May 7, in response to the deaths at the Western Penitentiary Center, the IACHR issued a statement that reiterated its concern over the high rates of violence in the country's penitentiaries and the presence in several prisons of criminal organizations in possession of large-caliber weapons, and it reminded the Government of its duty to take immediate action to guarantee the physical, mental, and moral integrity of inmates, as well as their right to life.

The Inter-American Court of Human Rights continued its supervision of Venezuelan penitentiaries pursuant to its 2006 decision regarding the need for improvement of prison conditions. Since February the court required the Government to submit bimonthly reports with specific information on actions taken to "protect the life and integrity" of prisoners, but there was no information publicly available about the Government's compliance with this requirement.

There was no information available about the progress of the Government's High-Level Prison Council, established in 2008, to design policies to improve the penitentiary system. However, in July the Venezuelan embassy in London issued a fact sheet regarding the Government's efforts to "humanize" its prisons. The fact sheet claimed that recent government reforms had led to a "significant reduction in prison violence and improved conditions for inmates." Among the reforms cited were improved methods for confiscating weapons in prisons, the establishment of an itinerant judges program to oversee judicial proceedings against those in detention, the establishment of Human Rights Defense Councils within prisons to resolve community problems between inmates and prison authorities, improved visitation policies to permit visits throughout the week rather than on weekends only, and the construction of 15 "prison communities" to "ensure inmates their rights and social services." In addition the fact sheet reported that in June the Ministry of Interior and Justice and the National Experimental Polytechnic University of the Armed Forces signed an agreement to provide vocational training to prisoners and courses on human rights, prison administration, and conflict resolution to prison personnel. The fact sheet also noted that the Government offered cultural opportunities to inmates, including participation in orchestra, theater, and sports. Penitentiary Director Cerrada stated in June that 2,045 inmates had participated in the symphony orchestra program and 6,000 were receiving formal education, 909 at the college level.

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 state law or individual judges may 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 a detainee's whereabouts (see section 1.e.).

On March 22, Oswaldo Alvarez Paz, a former governor of Zulia State and a 1993 presidential candidate, was arrested, held at the SEBIN detention facility, and charged with conspiracy, public instigation to commit a crime, and dissemination of false information for statements he made during a March 8 interview on Globovision's "Hello, Citizen" talk show. In that interview he alleged that high-level government officials had links to groups involved with drug trafficking and terrorism, specifically the Revolutionary Armed Forces of Colombia and the Basque terrorist organization ETA. He also claimed the Government's record on these issues was being compiled for potential prosecution in international tribunals and that "the problem is the head of state could fall." On March 9, National Assembly Deputy Manuel Villalba filed a complaint with the Prosecutor General's Office requesting an investigation into Alvarez Paz's comments. On May 7, the prosecutor general withdrew the conspiracy charge, which legally requires the involvement of two persons in the criminal act, and on May 13, the judge granted Alvarez Paz conditional release pending trial on the condition that he not leave the country, report to the judge every 15 days, and not discuss his case publicly. The judge deferred the start of the trial, originally scheduled for October, until early 2011.

On July 6, the Public Ministry charged four directors of the country's largest brokerages, who had been detained in a May sweep of brokerages and foreign exchange houses, with "illegal commercialization of hard currency" and conspiracy. The four directors were indicted under the Partial Reform Law on Illegal Foreign Exchange Transactions, which only took effect on May 17, despite the fact that the law did not provide for its retroactive application. The law states that any legal actions underway at the time of its adoption would be decided according to the prior law.

On April 6, Richard Blanco, the opposition prefect of the Caracas Metropolitan District, detained since August 2009, was provisionally released pending trial. Blanco had been arrested on charges of "injurious and law-breaking behavior" following a scuffle between police and opposition protesters during an August 22 demonstration even though video footage showed him intervening to protect a plainclothes police officer.

Role of the Police and Security Apparatus.—The National Guard, a branch of the military, is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the CICPC, which conducts most criminal investigations, and the SEBIN (formerly DISIP), which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. The police include municipal, state, and national-level forces. Mayors and governors generally oversee municipal and state police forces, except in Caracas, where the Ministry of Interior and Justice assumed authority over the Caracas Metropolitan Police in 2008. The Government began the process of gradually incorporating local and state police into the new Bolivarian National Police (CPNB).

During the year Minister of Interior and Justice Tareck El-Aissami issued graduation certificates to 3,803 new recruits of the new CPNB, which was established in December 2009 and was originally assigned to one Caracas municipality. In October the Ministry extended the responsibilities of the CPNB to other areas of the city and to the protection of railways and the metro system. On December 22, CPNB Director Luis Fernandez said the CPNB had a total of 4,222 officers and would increase its strength by 12,500 new officers in 2011. He also announced CPNB's plan to extend its presence throughout the Caracas metropolitan district and to the states of Anzoategui, Tachira, Carabobo, Zulia, Lara, Aragua, and Miranda during 2011. He claimed that, since its creation, the CPNB had arrested 3,214 individuals and, in the areas where it worked, had reduced the most violent crimes by 57 percent, including homicide by 44 percent, gender-related violence by 64 percent, robbery by 62 percent, and assault by 64 percent.

Impunity remained a problem in the police forces. Although Public Defender Gabriela Ramirez stated on June 19 that the number of cases of police abuse had declined from previous years, "it continues to generate concern." The Public Ministry's annual report for 2009 cited 9,610 complaints of human rights violations by presumed police and military officers, of which 315 (3.28 percent) resulted in prosecutions and 177 in decisions: 82 confessions, 57 convictions, and 38 acquittals. There was no information available for 2010.

According to a July report by the NGO Citizen Observatory of the Penal Justice System, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. It claimed that in 2008 there were only 64 prosecutors responsible for investigating police abuses, resulting in an average of 174 cases of police abuse per prosecutor. The NGO Network of As-

sistance for Justice and Peace reported on July 30 that more than 99 percent of the human rights cases under investigation had not been resolved with a definitive sentence. Of the total number of complaints received by the NGO between 2000 and 2009, 19 percent of the alleged violations were committed by CICPC officials and 15 percent by the Caracas Metropolitan Police.

In March, Prosecutor General Luisa Ortega Diaz announced that the Public Ministry had created a new forensic unit to investigate human rights violations committed by police officers. She said this initiative was a form of attacking impunity, "which has been our slogan during this administration."

On July 20, the Public Ministry named two additional prosecutors to respond to citizen complaints of police abuse. According to the ministry, two prosecutors appointed in July 2009 conducted 78 preliminary investigations between January and June 30.

On June 19, Public Defender Ramirez announced the establishment of a new Office for Victim Assistance, created pursuant to the Organic Laws on Police Service and the Bolivarian National Police and a March 19 resolution, to deal with crime and abuse by police. The offices were to be located independently from police stations and staffed by interdisciplinary personnel to guarantee "fair, respectful, equal, and nondiscriminatory" treatment and to protect "the privacy of the complainants, guaranteeing their safety and that of their relatives and witnesses." Ramirez stated that "the State cannot be indulgent or complacent with regard to police abuse in the disproportionate use of force. And the police who act against the law incur personal responsibility for this type of crime and should be sanctioned firmly."

In March the Public Ministry announced it would train 1,500 police and military officials on human rights issues. On September 18, the public defender announced that 7,000 police officials would receive human rights training by the end of the year. There was no information available about the implementation of these training programs. The ICRC provided training in human rights and humanitarian law at the Bolivarian National Police training institute. Some local police forces also offered human rights training for their personnel. For example, the Chacao municipality of Caracas continued to provide mandatory human rights training to all new police recruits. Amnesty International worked with the municipality to offer workshops on domestic violence case processing. On November 30, the prosecutor general announced the establishment of a permanent chair for human rights at the National School for Prosecutors.

In October the new National Experimental University for Security (UNES) was inaugurated to professionalize further the security services, including the CPNB, state and local police forces, firefighters, civil protection authorities, the CICPC, and prison personnel. UNES was created in response to a recommendation in 2006 by the National Council for Police Reform. The official media reported that 3,047 students from Caracas and the neighboring states of Miranda and Vargas were selected out of 8,000 applicants for the five-year program leading to incorporation into the CNPB. Approximately 22 percent of the new students were women. UNES Director Soraya El Achkar stated that "the new national police will be trained with respect for human rights, since it is a preventive police that is close to the community and works with the community."

Arrest Procedures and Treatment While in Detention.—A warrant is required for an arrest or detention. A detention is possible without an arrest warrant when the individual is caught in the act of committing a crime. Individuals were sometimes apprehended 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 detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. The law requires that detainees be promptly informed of the charges against them, and that requirement was generally met in practice.

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 there is a danger that the accused may flee or impede the investigation.

Pretrial detention was a problem. In its 2009 annual report, the IACHR noted that more than 65 percent of inmates had not received final convictions. PROVEA reported that as of June 7, approximately one-third of the prison population was formally convicted and sentenced, while two-thirds were in preventive detention or pending or undergoing trial. On October 29, the NGO A Window to Liberty reported to the IACHR that only 15 percent of the inmate population was convicted and sentenced.

In July the NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. Based on the Public Ministry's annual report for 2009, the NGO concluded that approximately 1,300 prosecutors had to process an estimated 260,000 cases in 2008, an average of 200 cases per prosecutor. The NGO also questioned the low number of penal judges, which it calculated to be 2.84 per 100,000 inhabitants in 2009 and which resulted in each penal judge being responsible for approximately 317 cases in 2008. It also noted that the budget for the judicial sector accounted for only 2.6 percent of the national budget in 2009.

In March NGOs testifying before the IACHR estimated that, on average, a prosecutor received nearly 2,000 complaints of criminal activity a year but investigated only 50. Of those 50 cases, only 20 ended up in court and only two resulted in convictions. According to the Public Ministry's annual report for 2009, 373,044 crimes were investigated during the year, of which only 6 percent (23,540) resulted in criminal charges and only 11,976 in convictions. In more than half the cases (213,962), prosecutors did not find sufficient evidence to bring charges and/or take the case to trial.

On May 21, the Supreme Court restored normal court hours of operation to address the judicial backlog; the Government had reduced the hours as part of an electricity rationing program implemented in December 2009.

The law requires that detainees be provided access to counsel and family members, and that requirement was generally met in practice.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, judicial independence remained compromised according to many observers, and there were allegations of corruption and political influence within the Prosecutor General's Office.

On May 18, the Appeals Chamber of the Supreme Court denied the appeals of former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero and also disqualified them from running for political office in the September National Assembly elections. Along with seven police officers, they remained in the SEBIN detention facility serving three- to 30-year sentences for their alleged involvement in the killing of pro-Chavez demonstrators during events related to the 2002 attempted coup. They continued to maintain their innocence and to assert that their prosecution was politically motivated. The defendants claimed that the verdicts were reached despite a lack of key forensic evidence and asserted that the court ignored exonerating video, audio, and eyewitness-testimonial evidence.

There were several developments in the case involving the 2004 car bombing that killed prosecutor Danilo Anderson. In November a former trial witness and Anderson's relatives separately alleged that former senior government officials had tampered with the investigation and witnesses. On December 14, the Supreme Court authorized the foreign ministry to request the extradition of Johan Humberto Pena and Pedro Vladimir Lander, charged as material authors in Anderson's homicide for their alleged involvement in the preparation and placement of the explosive device. The three persons convicted in 2007 for Anderson's killing remained in a SEBIN detention facility on 27- to 30-year sentences despite the 2008 claim by a former prosecutor that their convictions were based on false and perjured testimony.

According to PROVEA, in 2009, 51 percent of lower court judges were provisional and temporary. There were no 2010 statistics available. The Supreme Court's Judicial Committee may hire and fire temporary judges without cause or explanation, and it did so. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, were allegedly subject to political influence from the Ministry of Interior and Justice and the prosecutor general. PROVEA reported that between October 2009 and October 2010 the Supreme Court rejected 90 percent of judicial cases against the main organs of government (the Presidency, National Assembly, Comptroller General, National Electoral Council, and Prosecutor General's Office) and all 21 legal actions against President Chavez.

Trial Procedures.—Defendants are considered innocent until proven guilty. The law provides for open, public, and fair trials with oral proceedings for all individuals. Defendants 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. Defendants have the right to question witnesses against them and present their own witnesses. Defendants and their attorneys have the right to access government-held evidence, but in practice this access often did not occur. Defendants and plaintiffs have the right of appeal. Trial delays were common.

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.—The Union of Democratic Organizations of America (Unoamerica) reported on August 25 that the Government was investigating 29 individuals for political reasons. At year's end the NGO Venezuelan Awareness Foundation listed 25 individuals as political prisoners.

In some cases political prisoners were held in SEBIN installations and the Ramo Verde military prison. Authorities permitted the ICRC access to these individuals.

In a March 25 statement, the IACHR and its Office of the Special Rapporteur for Freedom of Expression noted "their deep concern over the use of the punitive power of the State to criminalize human rights defenders, criminalize peaceful social protests, and persecute through the criminal justice system persons the authorities consider political opponents in Venezuela."

Some examples of persons claiming to be political detainees include:

On May 7, a Venezuelan military tribunal sentenced retired General Raul Baduel, former minister of defense and former ally of President Chavez, to seven years and 11 months in prison on corruption-related charges. He had been detained at the Ramos Verde military prison since April 2009. He continued to claim his arrest and imprisonment constituted political retaliation by President Chavez for his public opposition to the president's proposed constitutional reforms and encouragement of the "no" vote in the December 2007 constitutional reform referendum.

On May 17, the 50th tribunal ordered the prosecution of Judge Maria Lourdes Afiuni on corruption charges despite the prosecutor's statement "that it has not been determined that she [had] received money or anything else" to approve the release of banker Eligio Cedenio, who had been detained for more than two years without a conviction. The court also denied Judge Afiuni's request to be released pending trial as well as subsequent repeated requests for medical treatment by her own physician. In December 2009 Judge Afiuni had been arrested and charged with corruption, aiding in the evasion of justice, abuse of authority, and conspiracy, and imprisoned after ordering the conditional release pending trial of Cedenio; in her decision she cited a September 1 opinion of the UN Working Group on Arbitrary Detention that determined that "the deprivation of freedom of Mr. Eligio Cedenio is arbitrary." Two days after her arrest, President Chavez publicly called for her imprisonment for 35 years as a lesson to other judges. At year's end Judge Afiuni remained in the Women's Detention Facility where women she had previously sentenced were imprisoned and where, according to her attorney, she was routinely subjected to harassment, threats, and attacks by other inmates. On January 11, Judge Afiuni was granted precautionary protection measures by the IACHR. On December 10, the Inter-American Court of Human Rights ordered the Government to adopt immediate measures to guarantee the "life and physical, psychological, and moral integrity" of Judge Afiuni, to ensure her detention in a facility appropriate to her circumstances, to permit her to be seen by doctors of her choice, and to report every two months to the court on the measures taken.

Jose "Mazuco" Sanchez, former Zulia state security chief, was released from prison and placed under house arrest on October 7 following his September 26 election and September 30 certification by the local election board as a National Assembly deputy. Despite article 200 of the constitution, which provides for immunity for deputies "in the exercise of their functions from their proclamation until the conclusion of their term," the Supreme Court ruled on October 26 that parliamentary immunity did not take effect until the deputies were sworn into office. It also ruled that the charges against Mazuco would be suspended, but remain pending, during his term as deputy. On November 29, however, police took Mazuco into custody again and forcibly moved him from Zulia State to Caracas, where a trial against him began. On December 22, the court found Mazuco guilty of having authorized the killing of a purported military intelligence police informant in jail in 2007 and sentenced him to 19 years' imprisonment. Mazuco denied the charges and claimed the trial constituted political persecution because of his association with opposition leader Manuel Rosales (to whom Peru later granted asylum [see section 3]). Mazuco's lawyers stated they planned to file an appeal and claimed that Mazuco could not be permanently disqualified from holding public office as long as there was no final sentence against him.

Regional Human Rights Court Decisions.—In January the Inter-American Court of Human Rights admitted a petition by Eloisa Barrios and others alleging that the Government was responsible for violations of the rights to life, humane treatment, personal liberty, a fair trial, and judicial protection set forth in the American Convention on Human Rights in connection with the deaths of her family members. A February 4 resolution by the court referred to "the state's failure to comply with the measures ordered by the court" and described the situation as one "of extreme gravity and urgency that puts in grave risk the life and integrity" of the members of the family. On November 25, the court issued a resolution that said the deaths of

Eloisa Barrios' family members "showed the inefficacy of the provisional measures, representing serious non-compliance by the state." It ordered the Government to adopt "immediate and effective" measures to guarantee the safety of the petitioners, including permanent guards at their homes, and to report to the court every two months on the measures taken (see section 1.a.).

On September 3, the acting president of the court issued a resolution declaring "manifestly inadmissible the global attack against the Court" contained in the Government's June 7 submission in the case of Leopoldo Lopez, the former mayor of the Chacao municipality of Caracas, who challenged the Government's 2005 decisions to administratively disqualify him from running for public office on one charge until 2011 and on a second until 2014. The Government's letter alleged that the court and the justices lacked impartiality. The court decided to continue its consideration of the case with the same justices. In 2008 Lopez had challenged his administrative disqualification in the IACHR, which referred the case to the court in December 2009. No date was set for the hearing by year's end (see section 3).

Civil Judicial Procedures and Remedies.—There are separate civil courts that permit 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.

In the past there were administrative remedies available, but they were generally inefficient. The current consumer protection mechanism is enforced by the Institute for Defense of the People in Accessing Goods and Services (INDEPABIS) under the auspices of the Commerce Ministry. INDEPABIS is empowered to use reconciliation, mediation, and arbitration to settle disputes and is able to sanction providers of goods and services who violate the law. INDEPABIS also has authority to expropriate goods and services. Other entities that provide administrative or civil remedies include the National Securities Commission and the superintendencies for banks, insurance, cooperatives and savings accounts, and the promotion and protection of free competition.

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 government authorities allegedly infringed on citizens' privacy rights by searching homes, seizing properties, or interfering in personal communications.

Among the more notable cases of arbitrary interference were:

On May 1, officials from the National Land Institute and armed soldiers occupied the 914-acre family farm of Diego Arria, a former UN ambassador. Vice President Jaua claimed the land was unused and that Arria did not have clear title. During a May 7 television broadcast, President Chavez held up a picture of the colonial ranch house and said, "It looks like 'Falcon Crest'...Tremendous pool. That's the bourgeoisie... This is now in the hands of the people, of the revolution." Arria charged that the expropriation was political retribution for his critical public description of President Chavez in a March 25 radio interview as a "natural candidate for international criminal courts." During the April 26-29 Oslo Freedom Forum, Arria spoke about his efforts to bring former Serbian president Slobodan Milosevic to justice. In televised interviews on Globovision and CNN following the expropriation, Arria stated that "the sword of international justice is hanging over the head of Hugo Chavez Frias." On May 11, National Assembly Deputy Escarra asked the assembly's Commission on Internal Politics and the Public Ministry to investigate Arria for those statements, claiming they were an incitement to assassination and a coup. In mid-June a 100-acre orange orchard belonging to Arria was also expropriated. In an open letter to President Chavez on June 22, Arria claimed the expropriation was in retaliation for his international campaign to denounce Chavez for human rights violations.

On September 22 and 23, several days before the September 26 National Assembly elections, government-owned Venezolana de Television, on its La Hojilla and Dando y Dando programs, broadcast a recording of a private telephone conversation between a prominent pollster and an unnamed person. On September 24, government-owned newspaper Diario Vea printed a transcript of the taped conversation. The pollster was recorded as predicting favorable results for the Government's candidates in the elections as a result of President Chavez' strong leadership qualities. The media did not explain under what authority it had obtained the recording.

On August 30, agriculturalist Franklin Brito died as a result of medical problems caused by the prolonged hunger strikes he had undertaken to protest the Government's failure to resolve remaining compensation issues related to the 2003 seizure of part of his lands in Bolivar State by the National Land Institute. Despite the Government's return of the land, compensation for damages, and provision of resources to reactivate production, Brito continued to insist on a public acknowledge-

ment by the Government that his land rights had been violated. The Government had forcibly kept Brito at the Military Hospital since December 2009, when the Public Ministry claimed responsibility for safeguarding his life and officials took him to the psychiatric ward of the hospital for his own "protection." On August 21, Brito met with Minister of Agriculture and Land Juan Carlos Loyo, after which he reportedly agreed to resume intravenous support. However, one of Brito's lungs ceased to function properly on August 22, and he suffered a heart attack and died on August 30. On September 3, the Public Ministry asked the court to dismiss a complaint lodged by a citizen alleging that Brito's family had induced him to commit suicide through its support for his repeated hunger strikes.

During the year the Government took no action to stop organized land invasions by squatters of two properties owned by the Catholic Conference of Bishops in Caracas and seven belonging to evangelical communities.

NGOs expressed concern over official political discrimination against, and the firing of, state employees whose views differed from those of the Government.

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 and regulations governing libel and media content, as well as 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 law makes insulting the president punishable by six to 30 months in prison without 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 fines starting at 55 bolivares fuertes (Bs.F) (approximately \$26). Inaccurate reporting that disturbs the public peace is punishable by a two-to-five-year prison term. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The Government took reprisals against individuals who publicly expressed criticism of the president or government policy.

On February 5, National Guardsmen arrested Miguel Angel Hernandez during a baseball game and held him at the SEBIN detention facility. The Public Ministry charged him with "offending the chief of state" for wearing a Homer Simpson T-shirt bearing scatological language directed at President Chavez's revolution. Hernandez remained free pending trial, which was scheduled for early 2011.

On July 5, President Chavez called Cardinal Urosa Savino a "troglodyte" for the cardinal's June 27 comments charging that the president was leading the country down a "socialist-Marxist" path "that leads to ruin, the destruction of the economy, [and] much greater poverty... We are on the road to a new Cuba." On July 12, government-controlled television stations rereleased an advertisement claiming that the cardinal had written a letter saying that only wealthy children should have access to higher education and good jobs; the cardinal publicly called the letter a forgery. On July 14, President Chavez called for a review of the 1964 concordat with the Vatican, an agreement regulating church matters, and on July 16, the foreign ministry recalled its ambassador to the Vatican. In response to a formal request by the National Assembly, on July 27, the cardinal appeared before a five-hour, closed-door session of the assembly to explain his remarks.

On August 11, military prosecutors charged retired brigadier general Antonio Rivero with "slander against the armed forces" and "publicly revealing private information and military secrets" for his April 22 public denunciation of excessive Cuban influence in the military. Rivero's comments were made during his announcement of his resignation from the armed forces. The indictment occurred several days after CNN Espanol broadcast the documentary, "Chavez's Guardians," in which Rivero was interviewed and expressed deep concern about the potential for serious political violence as a result of the Government's alleged arming of its supporters. Rivero's prosecution in a military tribunal contravened a 2009 Inter-American Court decision requiring the Government to limit military jurisdiction to active-duty military for crimes related to their function and to delimit the criminal behavior covered as an "offense to the armed forces." On August 13, a military judge prohibited Rivero from leaving the country, required him to appear before a judge every 15 days, and prohibited him from speaking publicly about the charges against him. At year's end Rivero remained free pending trial.

On December 22, the Public Ministry announced that it had opened a criminal investigation against Noel Alvarez, the president of the national chamber of commerce, Fedecamaras, to determine whether his statement earlier that morning violated the law by encouraging the armed forces to disobey orders. In a press conference to discuss the Government's recent land expropriations and package of so-

cialist legislation (see section 3), Alvarez urged the armed forces to “exercise their freedom of conscience. to reject orders that they consider violate the constitution,” recalling both article 25 of the constitution, which provides that public officials who implement measures that violate constitutional rights bear administrative, civil, and criminal responsibilities, and the existence of the International Criminal Court.

The country’s major newspapers were independently owned. Some print media tended to exercise caution in order to secure government advertising. Two national newspapers, *Diario Vea* and *El Correo del Orinoco*, received direct financial support from the Government. In 2009 a new Caracas newspaper, *Ciudad CCS*, debuted; the newspaper was run by the presidentially appointed Capital District vice president and received funding from the mayor of the Libertador municipality of Caracas.

Two private television stations dominated the national airwaves, receiving the bulk of audience share despite the Government’s ownership of six channels, two with nationwide coverage. The Government also set up and funded 244 community radio stations and 36 community television stations with programming aimed at local audiences throughout the country.

In January, as a result of regulatory changes implemented by the National Telecommunications Commission (CONATEL), the Government’s regulatory agency, cable operators ceased broadcasting the privately owned cable television station RCTV (see below). In July, President Chavez expressed interest in using the shares the Government obtained through its intervention of Banco Federal to gain representation on the executive board of Globovision, the major privately owned and opposition-oriented cable news station, which broadcasted nationally on cable and over the air in Caracas and Valencia. Nelson Mezerhane, the former owner of Banco Federal, was a minority shareholder of Globovision (see below).

On December 21 and 28, respectively, the Reform of the Law of Social Responsibility for Radio and Television (RESORTE) and the Reform to the Organic Law for Telecommunications went into effect. The RESORTE law extended government content regulations to the electronic media for the first time (see below). The law prohibits all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; and incite or promote disobedience to the established legal order. Penalties range from fines to the revocation of licenses.

The telecommunications law declares telecommunications a “public interest service,” thereby giving the state greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law reduces the maximum period for concessions from 20 years to a renewable 15-year period; establishes the “personal” character of the concessions, thereby making them non-transferable to individuals or successor companies; provides that concessions be issued only to persons domiciled in the country; and provides that the Government can suspend or revoke licenses when it judges such action necessary to the interests of the nation, public order, or security.

On December 17, the National Assembly adopted the Enabling Law, which granted President Chavez authority to govern by decree for 18 months (see section 3) and to “issue or reform regulatory norms” in the telecommunications sector.

National and international groups, such as Reporters without Borders and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and to create a climate of fear and self-censorship. The domestic media watchdog NGO Public Space reported that, as of the end of November, 195 journalists, editors, or media outlets either were attacked or had their individual rights violated. The same NGO was targeted for harassment and criminal investigation (see section 5). During a December 16 demonstration in front of the National Assembly against the new media laws, a progovernment militant threw a traffic cone into the group of protestors, hitting Carlos Correa, the director of Public Space, and causing injury to his head; the militant also reportedly shouted a death threat against him.

During the year journalists and media facilities were subject to violent attacks and several journalists were killed. However, the widespread violence in the country often made it difficult to determine whether the attacks were the result of common criminal activity or specifically directed against the media. Among the most notable cases were:

On March 1, Israel Marquez, the director of the newspaper *Diario 2001*, was shot six times and killed during an attempted robbery of his vehicle by four men. His son was quoted in the press on March 2 as saying “the attack was a product of the insecurity in which the country lives.” According to Chief of the Homicide Division of the CICPC Ramon Silva Torcat, the weapons used in the crime had been stolen

from the CICPC in 2007. Two suspects, Walter Perez Canizalez and Yorman de Jesus Elias, reportedly members of a car-theft ring, were charged with first degree murder, attempted robbery of a vehicle, and carrying a illicit weapon. The accused remain imprisoned at Rodeo I prison pending trial at year's end.

On June 7, unknown attackers threw five Molotov cocktails into the Capriles Press Tower in Caracas where the headquarters of the newspaper Ultimas Noticias was located. No one was injured. The Public Ministry ordered an investigation into the incident; there was no information publicly available about the results of that investigation.

On July 1, two motorcyclists shot into the reception area of the newspaper El Nuevo Dia in Coro, resulting in the injury of a 15-year-old student, who received a bullet wound to his neck.

Among events regarding cases that occurred in prior years:

There were no known developments in the prosecution of the suspect accused in the January 2009 killing of El Impulso journalist and photographer Jacinto Lopez.

In May authorities convicted and sentenced former Carabobo police officer Rafael Segundo Perez to 25 years in prison for the January 2009 killings of investigative journalist Orel Sambrano and veterinarian Francisco Larrazabal. Two additional suspects, Jose Duque Daboin and David Antonio Yanez Inciarte, remained in detention pending completion of their trials. On August 20, the Public Ministry requested the extradition from Colombia of accused narcotrafficker Walid Makled, whom it charged in various crimes, including as the "intellectual author" of Sambrano's assassination.

In December a Carabobo state appeals court annulled the conviction of journalist Francisco "Pancho" Perez, restored his political and professional rights, and cancelled the fines levied against him. In October 2009 the mayor of Valencia had charged Perez with libel for a March 2009 article in which he charged the mayor with nepotism.

There were no known developments in the investigation of the 2008 killings of Pierre Fould Geroges, vice president of Reporte Diario de la Economia, and columnist Eliecer Calzadilla, a contributor to the regional newspaper Correo del Caroni.

Pro-government media personnel also faced violence. For example:

On January 8, in Portuguesa State, unknown assailants abducted Diario Panorama Sub-Director Wilmer Ferrer. Sometime during the 33 days before his body was discovered, Ferrer was shot and killed. On February 22, police arrested a suspect, Oscar David Cabrera Fernandez, and on April 8, the Government formally charged him with first-degree murder while executing a robbery. The accused remained imprisoned pending completion of the trial.

There were no known developments in the Government's investigation of the August 2009 killing of Ministry of Communication and Information journalist Daniel Ivan Escamez.

Senior federal and state government leaders actively harassed and intimidated privately owned and opposition-oriented television stations, media outlets, and journalists throughout the year using threats, property seizures, and criminal investigations and prosecutions. Government officials, including the president, used government-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antigovernment destabilization campaigns and coup attempts. Officials made such allegations against Guillermo Zuloaga, president and majority shareholder of Globovision; Nelson Mezerhane, a minority shareholder of Globovision; Marcel Granier, president and chief executive officer of RCTV; Miguel Henrique Otero, director of El Nacional newspaper; Andres Mata, owner and editor in chief of El Universal newspaper; and Teodoro Petkoff, director of the Tal Cual newspaper. Members of the independent print media privately said they regularly engaged in self-censorship due to fear of government reprisal.

Among the most notable examples of government harassment of private media owners and journalists associated with the independent media were:

During the year the Government repeatedly took measures to harass and prosecute Globovision President Guillermo Zuloaga. On March 25, authorities detained him upon his return from a meeting of the Inter-American Press Association (IAPA) in Aruba for his remarks during the conference that allegedly criticized the Government's actions to "repress the media" and reportedly accused President Chavez of having ordered soldiers to shoot protesters during the April 2002 coup attempt; he was released the same day. On June 1, the Public Ministry issued an arrest warrant for Zuloaga and his son, Guillermo Jr., for "usury" related to May 2009 charges involving Zuloaga's car dealership that were widely considered to be politically motivated. The warrant was issued eight days after President Chavez publicly complained that only a "weakness" in the judicial system had allowed Zuloaga to "walk about freely" after having made the critical remarks about the president in Aruba.

On June 2, the Public Ministry initiated an investigation of Zuloaga for “environmental crimes” for his possession of hunting trophies. On July 13, SEBIN seized Zuloaga’s private airplanes, and on July 29, officials from the National Land Institute confiscated Zuloaga’s farm in San Fernando de Apure. On August 17, the Supreme Court authorized the foreign ministry to submit an extradition request for Zuloaga and his son, who remained outside the country at year’s end. On November 20, several days after Zuloaga reportedly criticized the Government during a November 17 forum in Washington, DC, President Chavez accused Zuloaga of conspiring against the Government and of involvement in an assassination plot against him. The following day he demanded that Zuloaga return to the country to face pending charges or “it would be necessary to take actions against his companies, among them Globovision, which is blasting the Government, the people, distorting the truth, every day.” In a televised special session of the National Assembly on November 23, President Chavez said the Government could not remain quiet while Zuloaga was going to the “Congress of the empire to attack Venezuela and still has a television channel here.”

On June 9, La Manana journalist Yunion Lugo reported receiving telephone threats following the June 8 publication of his photographs showing tons of decomposed food in government-owned warehouses in Falcon State (see section 4). The callers allegedly identified themselves as members of the “government of Hugo Chavez” and accused Lugo of committing perjury against the Government. Local political leaders denounced Lugo and threatened to bring criminal charges against him. The National Union of Press Workers (SNTP) and the Graphic Reporters Circle of Venezuela denounced the threats and “deplored the harassment and intimidation committed by representatives of state government and the executive branch against press workers who are doing their job.”

On July 20, the National Assembly adopted a resolution calling on the Public Ministry to “deepen its investigation” into foreign financing of civil-society members and journalists, including those who had participated in exchange programs, to determine whether their activities “could be considered crimes.” Among the journalists denounced were Miguel Angel Rodriguez, Maria Fernanda Flores, Pedro Flores, Reynaldo Trompeta, Ewald Scharfenberg, Jesus Torrealba, Ana Karina Villalba, Aymara Anahi Lorenzo, and William Echeverria.

The Government sometimes engaged in direct press censorship. On August 14, Prosecutor General Luisa Ortega Diaz opened an investigation of the opposition-oriented *El Nacional* for its August 13 front-page photograph showing naked and half-naked bodies piled on tables and on the floor of the Caracas morgue. The photo, taken in December 2009, was accompanied by an article reporting on Caracas’s high homicide rate. Ortega alleged that the publication violated the Organic Law for the Protection of Boys, Girls, and Adolescents. On August 16 and 17, opposition-oriented dailies *Tal Cual* and *Correo del Caroni* reprinted the photograph. A juvenile court judge issued injunctions on August 16 and 17 against *El Nacional* and *Tal Cual* as well as all other print media that prohibited them from publishing “violent content or images” for a 30-day period, which generally coincided with the official campaign period leading to the September 26 legislative elections, in which insecurity was a key campaign issue. The judge ruled that the constitutional rights of children had to be “favored” over the constitutional rights to freedom of expression and information. On August 19, the judge limited the ban to the publication of violent images for the period until the case was decided. Journalists and human rights advocates claimed the decision violated the constitutional prohibition against prior censorship. The case remained pending at year’s end.

The Government also used administrative measures and criminal investigations to indirectly censor private cable television stations RCTV and Globovision that were critical of the Government.

For example, on January 21, CONATEL notified RCTV of a new regulation that reclassified the station as a “national” rather than an “international” audiovisual producer, thereby requiring it to provide live coverage of certain mandatory government broadcasts, including most speeches by President Chavez. The regulation also affected five smaller cable stations; those stations eventually re-registered under the new regulation. However, RCTV President Marcel Granier called the redesignation an effort to “silence the voice of protest of the Venezuelan people” and filed an appeal with the Supreme Court. Cable operators ceased to broadcast RCTV as of January 24. On February 22, RCTV changed its position and submitted applications to CONATEL to register as both a “national” and an “international” producer. On March 4, CONATEL denied both applications, arguing that the station had missed the registration deadline and had submitted an incomplete application. On November 24, the Supreme Court denied RCTV’s request to be registered as a “national

producer.” At year’s end RCTV remained off the air and was only able to broadcast via Internet.

During the year the Government threatened Globovision’s owners and directors in an apparent effort to change the station’s editorial line.

On February 18, Globovision Director Alberto Ravell announced his resignation, alleging that Energy Minister Ali Rodriguez and Central Bank President Nelson Merentes had pressured Globovision shareholders Guillermo Zuloaga and Nelson Mezerhane to fire him and controversial talk show host Leopoldo Castillo and to soften the station’s anti-Chavez orientation.

In June and July, the Government took actions against Nelson Mezerhane, former president of Banco Federal. On June 14, the Government took control of the bank, and on July 1, it issued an arrest warrant against him. The Government alleged the bank suffered from insufficient liquidity and other irregularities, and the prosecutor general claimed the Public Ministry had evidence that Mezerhane had taken money from Banco Federal depositors and state-owned companies out of the country for personal gain. On July 2, President Chavez stated the Government might use Mezerhane’s 20 percent share of Globovision to reimburse depositors of Banco Federal; on July 20, he claimed that by seizing Mezerhane’s shares, the Government could own up to 45.8 percent of Globovision’s shares and have the right to name a representative to its executive board, suggesting several progovernment television journalists as possible candidates. However, according to a statement released by Globovision, the election of board members required a vote representing 55 percent of the corporation’s shares.

On August 1, National Guardsmen conducted a search of Mezerhane’s residence. According to press reports, the security forces prevented his attorney, Magaly Vasquez, from witnessing the search, as required by law. On August 3, President Chavez alleged the search had uncovered evidence of Mezerhane’s links to a Colombian paramilitary group. Mezerhane denied the allegations and accused the Government of using the bank intervention as a way to pressure Globovision.

On December 3, the Superintendence of Banks and Other Financial Institutions assumed control of the Mezerhane-owned Sindicato Avila C.A., which held 20 percent of the shares of Globovision. On December 8, the IACHR’s Office of the Special Rapporteur for Freedom of Expression issued a statement expressing concern about the possible intervention by the Government in Globovision.

There were no developments in CONATEL’s 2008 investigation of Globovision for its broadcasts of comments allegedly encouraging the assassination of the president and of a speech by the Carabobo state governor-elect that allegedly incited violence.

The Government also exercised control over the media through its application of licensing and broadcasting requirements.

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 practicing illegally. These requirements are waived for foreigners and opinion columnists.

The telecommunications law empowers the Government to impose heavy fines and cancel broadcasts for violations of its norms, and CONATEL oversees the law’s application. Media observer organizations called on the Government to appoint an independent body to regulate the implementation of the law, which it had not done by year’s end.

On August 3, the Official Gazette published a decree transferring responsibility for CONATEL from the Ministry of Transportation and Communication to the Vice Presidency. In announcing the transfer on August 4, Vice President Jaua said the decision was taken “considering that telecommunications is a strategic area for Venezuelan democracy and for political stability.” Telecommunications and human rights advocates claimed the decree violated both the Organic Law on Telecommunications of 2000, which established CONATEL as an “autonomous institute,” and the constitution, which does not give the vice presidency direct responsibility for any ministry or agency of the Government. The reform of the telecommunications law adopted in December retained CONATEL’s character as an “autonomous institute.”

The Government also sought to exercise control over the press through the Center for National Situational Studies (CESNA), created pursuant to a June 1 decree published in the Official Gazette. This new government entity, under the jurisdiction of the Ministry of Interior and Justice, is responsible for “compiling, processing, and analyzing” both government-released and other public information with the objective of “protecting the interests and objectives of the state.” The Government named Colonel Jose Adelino Ornelas Ferreira as the head of CESNA on December 29. The National Journalist Association (CNP) and five domestic NGOs publicly expressed concern about the potential for abuse and censorship on national security grounds by CESNA. On July 15, the NGO Public Space, the CNP, and SNTP filed a com-

plaint contesting the formation of CESNA with the Political and Administrative Chamber of the Supreme Court, which referred the case to the Constitutional Chamber on November 17. The court did not act on the complaint by year's end.

During the year the IACHR and its Office of the Special Rapporteur for Freedom of Expression expressed their "serious concern about the situation of the right to freedom of expression in Venezuela."

Five radio stations belonging to the National Belfort Circuit were among 34 radio stations CONATEL ordered closed and the 240 ordered reviewed in July 2009. On April 15, the Inter-American Court dismissed the IACHR's February 26 request for provisional measures on behalf of Belfort Isturiz and others to have the Government adopt measures to temporarily reestablish the stations' right to operate. The court decided that the request did not meet the requirements of the American Convention for "cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons." On November 24, the Supreme Court rejected Belfort's legal challenge of the July 2009 regulation.

On July 16, IAPA issued a statement expressing concern about the "authoritarian tendencies" and restrictions of freedom of expression in Latin America, particularly in Venezuela. IAPA President Alejandro Aguirre said that "Venezuela is one of the countries where freedom of expression is most in danger."

Internet Freedom.—During the year there were no government restrictions on access to the Internet, and individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, some NGOs expressed concern that the Government monitored e-mails and Web searches. In April *El Universal* reported that nearly 8.8 million inhabitants, or approximately 31 percent of the country's population, used the Internet, and more than two-thirds were from the poorest sectors of society.

During the year the Government expressed interest in developing regulations limiting the Internet.

On March 13, President Chavez ordered the prosecutor general to open an investigation of the Web site *Noticiero Digital* for falsely reporting the assassination of Minister of Housing and Public Works Diosdado Cabello and progovernment talk show host Mario Silva. The president warned that "the Internet cannot be something open where anything is said and done. No, every country has to apply its own rules and norms." *Noticiero Digital* responded by explaining that it did not practice prior censorship of comments posted by visitors to the site, but it removed comments it considered inaccurate or irresponsible. *Noticiero Digital* removed the comments regarding Cabello and Silva from its site within three hours and permanently barred the authors from future postings. The Web site announced it would be "taking measures so that these types of incidents do not occur again." On September 21, the president of the National Assembly Committee on Science, Technology, and Communications requested that the prosecutor general open an investigation against Web site *Noticias 24* for allegedly "inciting hate" through its coverage of the false report; there were no known developments in the investigation.

On June 6, President Chavez again called for an investigation of *Noticiero Digital* for a June 2 column in which the author claimed that high-level retired and active-duty officers were working together to achieve a civil-military transition in 2010 or early 2011. President Chavez stated that "there keep appearing incitements to a coup and that cannot be permitted...this has to be investigated urgently... *Noticiero Digital* keeps saying that rebellion is the path." On June 8, the Public Ministry opened another investigation against the Web site; there were no known developments in the investigation at year's end.

On July 8, police arrested two users of the social networking and microblogging service, Twitter, Luis Enrique Acosta Oxford and Carmen Cecilia Nares Castro, in Ciudad Bolivar for allegedly spreading false rumors about the banking system via the network. The Government charged them with violating article 448 of the Law on Banking and Financial Institutions, which prohibits the dissemination of false information about banks and carries a possible prison term of up to 11 years. Both remained free pending trial.

On March 15, Prosecutor General Luisa Ortega Diaz called for the National Assembly to consider approving regulations on the Internet. However, on March 18, President of National Assembly Committee on Science and Technology Manuel Villalba announced that the Assembly was not planning to introduce legislation to regulate the Internet. Nevertheless, on December 20, the National Assembly passed a reform to the RESORTE law that made Internet and Internet providers subject to government regulations for the first time (see above). The law prohibits the dissemination of messages or information that could incite violence, promote hatred and intolerance, lead to crime or murder, foment anxiety in the populace or disturb public order, or be considered disrespectful of public offices or officeholders. It puts

the burden of filtering electronic messages on service providers, provides that CONATEL can order them to block access to Web sites that violates these norms, and sanctions them with fines for distributing prohibited messages. Human rights and media freedom advocates complained that the law further limited freedom of expression. On December 15, the IACHR concluded that the RESORTE and telecommunications laws “represent a serious setback for freedom of expression that primarily affects dissident and minority groups that find in the Internet a free and democratic space to disseminate their ideas.”

Academic Freedom and Cultural Events.—There were some government restrictions on academic freedom and cultural events. On December 22, the National Assembly passed a controversial University Education Law that eliminated the principle of university autonomy, established the construction of socialism as the goal of higher education, and transferred most responsibilities for the management of universities, including admission standards and budgets, from the universities to the Ministry of University Education. The Government stated the law was needed to democratize university education. Organizations representing students, professors, and rectors criticized the law as violating the constitutional principles of university autonomy and respect for “all currents of thought” in education. The law was not officially promulgated in the Official Gazette by year’s end.

Government supporters often disrupted university classes, marches, and rallies and used violence and intimidation to protest university policies and to discourage students from political participation.

On February 17, unknown assailants shot multiple bullets and threw a Molotov cocktail (which did not explode) into the office of the rector of the Central University of Venezuela, Cecilia Garcia Arocha. In the weeks before the attack, progovernment students had protested the rector’s decision to erect security doors at the school’s entrance for greater protection. The Public Ministry opened an investigation into the incident on February 18; no information was available at year’s end on the results. On February 24, Garcia Arocha publicly stated that between November 2007 and February 2010 the university had been subject to 27 violent attacks with little to no response from the police.

On May 18, approximately 35 armed progovernment students took over the rector’s office at the Experimental Pedagogical University Libertador in Caracas and held the rector hostage for 24 hours in protest of his alleged “malpractice” and “aggressive policies...of the right.” The students released the rector after a meeting with the vice minister of academic development.

On December 15, a group of purportedly progovernment militants threw bottles and rocks at students from the Catholic University Andres Bello (UCAB) protesting the pending University Education Law, resulting in 13 injuries. UCAB student representatives told the press on December 17 that they were collecting video and photographic evidence of the incident to submit to the Prosecutor General’s Office.

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.

Human rights groups continued to criticize the 2005 penal code revision for its strict penalties on some forms of peaceful demonstration. PROVEA expressed concern over the law’s “criminalization” of protests.

PROVEA noted that 3,315 demonstrations occurred in the country between October 2009 and September 2010, a 24 percent increase over the 2,893 that occurred during the same period one year earlier. PROVEA reported that 98.5 percent (3,266) of the demonstrations were peaceful in nature. Of the total number of demonstrations, PROVEA reported that police and security forces repressed 150, a reduction of 4.6 percent compared with the previous year. PROVEA further noted a decrease in the number of injuries, detentions, and deaths resulting from security-force interventions: 368 injuries, 575 detentions, and no deaths, compared with 584 injuries, 676 detentions, and four deaths during the previous year. PROVEA noted that rallies and street closings were the principal forms of protest. However, it also concluded that the increased number of hunger strikes, 105 compared with one during the previous year, represented a radicalization of protests.

NGO Public Space reported that Monagas state police shot and killed a student, Miguel Hernandez, on July 13 during protests over electricity outages in the city of Chaguaramal. The press reported that a member of the Monagas police special brigade, Sub-Inspector Enrique Gustavo Romero Diaz, also was killed during the protests. There was no information regarding any government investigation of the killings.

During the year government security forces used tear gas, water hoses, and rubber bullets to suppress peaceful protests. Among the notable examples were:

Between January 24 and February 4, the press reported that hundreds of students nationwide held demonstrations to protest the closing of RCTV (see section 2.a.), electricity and water shortages, and the general situation of the country. Government security forces responded to the demonstrators often dressed in full riot gear using tear gas, water hoses, and rubber bullets. The media reported that nationwide 174 persons were admitted to hospitals for injuries related to inhaling tear gas, 83 were injured by rubber bullets, and approximately 85 were briefly detained by police. On January 28, President Chavez threatened governors and police who failed to halt the protests and replaced the head of the state-owned Venezolana de Television who met with student protesters the previous day. On February 2, the IACHR called on the Government to engage in dialogue and allow the peaceful exercise of the right of assembly. A few days later, President Chavez called the student protesters “fascists, subversives, violent, and filled with hate and anger,” and he praised the security services for their “firm” response. On February 7, he accused the student protestors of wanting “to have deaths and wounded people for the fascist television cameras behind them, so that they can transmit to the world the idea that this is a repressive government.”

On January 25, the press reported that progovernment Tupamaro militants in Merida mobilized a counter-demonstration to that held by opposition students. Sixteen persons were wounded and two students were killed at the University of the Andes (ULA): progovernment 15-year-old Yorsinio Carrillo Torres was struck by a stray bullet and killed while inside the Domingo Salazar Residence Hall, and 28-year-old opposition student Marcos Rosales Suarez was attacked and killed by progovernment motorcyclists at a McDonald’s restaurant near the ULA campus. On January 26, the National Guard and police repelled the progovernment militants throughout a 20-square-block area of the city with tear gas and rubber bullets. In a January 27 conflict between the Tupamaros and the National Guard, six National Guardsmen were wounded, two by bullets. The same day the minister of the interior and justice announced a temporary suspension of the electrical and water outages in an effort to end the protests. The Public Ministry later announced that two suspects were arrested in connection with the killing of the two students: Freddy Orta Anez was charged in the death of Carrillo Torres, and Ruben Dario Valero was charged with Rosales’ death. The courts ordered trials to proceed against Orta Anez and Valero on May 20 and September 30, respectively. At year’s end both remained in custody at the Andean Regional Penitentiary pending the conclusions of their trials.

On May 5, according to press reports, state police in Merida fired rubber bullets against students demonstrating against quotas on subsidized public transportation tickets. The press reported that seven students were injured, including one student who reportedly received more than 65 bullet wounds on his arms, neck, back, and legs.

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), which is responsible for convoking all elections and establishing dates and procedures for them, repeatedly interfered with their attempts to hold internal elections.

c. Freedom of Religion.—For a complete description of religious freedom, please see the 2010 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 and asylum seekers.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The UNHCR reported 16,413 (cumulative) applicants for refugee status in the country from 2002 through September 2010, of whom 2,226 applied during the year. The UNHCR estimated that there were a total of 200,000 persons in need of inter-

national protection. On December 6, the National Commission for Refugees reported that the Government recognized 2,700 individuals (cumulative) as refugees as of May, an increase from the 1,313 recognized refugees (cumulative) as of the end of 2009.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The National Committee for Refugees had 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 free and fair elections based on universal suffrage.

Elections and Political Participation.—On September 26, voters elected 165 deputies to five-year terms in the National Assembly in an election in which voter participation reached 66.5 percent. Voters also elected 12 deputies to the Latin America Parliament (“Parlatino”). The CNE did not invite international election monitoring missions to observe the electoral process. However, domestic electoral observers and opposition political leaders generally considered the elections free and fair despite scattered delays due to problems with old voting machines, generalized reports of improper electioneering by the official PSUV party, and isolated examples of voter intimidation.

However, one CNE rector and opposition political parties criticized the electoral law and the electoral redistricting for allegedly violating the constitutional principle of proportionality. Opposition parties claimed the changes led to PSUV candidates winning approximately 59 percent of the National Assembly seats (98) despite winning only 49 percent of the national vote. Opposition candidates won approximately 40 percent of the seats (65) with 48 percent of the national vote. A third party won the remaining two seats with approximately 3 percent of the vote.

One CNE rector and the domestic electoral observation NGO Ojo Electoral also criticized the Government’s partisan use of state-owned media in the months before the election and during the official month-long campaign period. The NGO specifically cited the CNE’s failure to enforce its regulations providing for “equality of conditions” in access to the media, especially the president’s use of frequent and lengthy mandatory broadcasts (cadenas) for partisan campaign purposes.

On December 5, gubernatorial and mayoral elections were held in two states and in 11 municipalities. The elections were considered generally free and fair.

On December 10, claiming he needed the authority to govern by decree to address the emergency caused by the severe flooding in the country during late November and early December, President Chavez called on the National Assembly to pass an enabling law (Ley Habilitante) to permit him to legislate by decree, the fourth since he took office in 1999. On December 17, the outgoing National Assembly, with the constitutionally required three-fifths majority, adopted the Enabling Law, which gave the president the authority to decree laws for a period of 18 months in the areas of flood relief, infrastructure, telecommunications, public services, housing, use of urban and rural land, financial and tax matters, citizen security, the judiciary, national defense, international cooperation, and the “socioeconomic system of the nation.”

Opposition leaders claimed the president already had the legal authorities necessary to respond to the flood emergency and accused him of taking advantage of the flood crisis to “impose his political project” and to circumvent the newly elected National Assembly, which was scheduled to take office on January 5, 2011. Critics also claimed the National Assembly did not have the authority to cede legislative powers to the president beyond its own term of office and that “decree laws” issued after January 5 would be unconstitutional. In a December 14 letter to Organization of American States Secretary General Jose Miguel Insulza on behalf of the opposition’s “Unity Table,” Ramon Guillermo Avelledo said the Enabling Law usurped the competencies of the newly elected deputies, “which constituted an evident violation of the popular will and constitutional norms relative to legislative authority.” The letter said the situation was “so serious” that it “suggests a violation of the norms” contained in the Inter-American Democratic Charter. On December 15, the IACHR expressed concern that the law failed “to set the limits necessary for the existence of true control over the executive branch’s legislative power.”

Opposition leaders also criticized two other laws adopted by the outgoing National Assembly that restricted the freedom of the newly elected deputies:

The Law on Political Parties, Public Meetings, and Demonstrations, adopted on December 21, prohibits deputies from voting against legislation proposed by the po-

litical organization that supported their candidacies; “making common cause” with “contrary” positions, parties, or organizations; and changing parliamentary blocs. At the request of 0.1 percent of the voters and upon the approval of a simple majority of the deputies, the comptroller general can penalize a deputy for “fraud against the electorate” with disqualification from public office. Critics claim the law violates article 201 of the constitution, which provides that deputies are subject only to their consciences and that their votes are “personal.”

On December 22, the National Assembly adopted the Law on Internal Rules and Debate, which reduces the amount of time a deputy can speak on the floor, lowers the threshold necessary to sanction a deputy for violating the rules of debate, and restricts access by private television media to the National Assembly.

Opposition political parties operated in an atmosphere characterized by intimidation and restricted media access because of the fewer number of independent television and radio stations (see section 2.a.). The Government used “administrative disqualifications” as one way to restrict access of opposition leaders to public office. According to the annual report presented by Comptroller General Clodosbaldo Russian on August 11, during the year a total of 55 citizens were administratively disqualified from public office as a result of allegations of misuse of public funds, including eight National Assembly candidates, bringing the total to 622 citizens administratively disqualified since 2002 (see section 1.e.). On May 24, the comptroller general administratively disqualified former Maracaibo mayor and 2006 presidential candidate Manuel Rosales for a period of 12 months; in 2009 Rosales was charged with corruption and left the country.

The Government also prosecuted opposition figures on questionable charges. For example, on March 26, the National Assembly lifted the legislative immunity of Deputy Wilmer Azuaje so he could be prosecuted on charges of insulting a public official and violence against women for a purported scuffle with a female police officer the previous day. Azuaje had repeatedly and publicly accused the president’s family of corruption as well as complicity in the February 2009 killing of his brother Carlos. On March 27, the Supreme Court ruled that Azuaje could not exercise his legislative duties or run for reelection while the case against him remained open. The court ordered him to appear every 20 days, prohibited him from leaving the country, ordered him to be evaluated by a court dealing with violence against women, and sent him to a center for gender violence awareness training. Azuaje publicly criticized his prosecution as “political.” On November 1, the Official Gazette published the October 27 decree signed by Russian administratively disqualifying Azuaje from public office for 12 months; the decree alleged that Azuaje had submitted an “untruthful” financial disclosure statement. On May 5, a court convicted and sentenced to 20 years’ imprisonment a second person in the killing of Azuaje’s brother; another person had been convicted and sentenced in November 2009.

There were no developments in the comptroller general’s October 2009 investigation of opposition Miranda state Governor Henrique Capriles Radonski for alleged corruption, tax evasion, and other financial crimes. There was also no information regarding the case against Capriles for alleged involvement in a 2002 violent demonstration outside the Cuban embassy. Prosecutors reopened the case after a court of appeals annulled an October 2008 acquittal.

The National Assembly that was to take office on January 5, 2011, had 28 female deputies. During 2010 women headed four of the five branches of government (legislative, judicial, electoral, and citizen) and occupied six cabinet positions. There were 13 women among the 32 justices on the Supreme Court at year’s end.

The constitution reserves three seats in the National Assembly for indigenous persons. Three deputies were elected for these seats on September 26. There was one indigenous member of the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption by government officials; credible observers alleged the Government did not implement the law effectively or fairly and frequently prosecuted its political opponents selectively on corruption charges to harass, intimidate, or imprison them.

The World Bank’s governance indicators reflected that government corruption was a serious problem. According to a study by the INE that was leaked to the press in August, survey results of “corruption by officials reveal figures of an elevated occurrence, while in official statistics its level is minimal” (see section 1.a.). There was a perception of widespread corruption at all government levels.

The Comptroller General’s Office is responsible for investigating and sanctioning corruption by public officials. The Public Ministry and the Public Defender’s Office investigate abuses by police and military officials. The National Assembly can order the Public Ministry to undertake investigations.

Journalists reported many cases of apparent corruption involving government officials at all levels, and the Public Ministry regularly reported indictments and prosecutions of low-level local officials. In its 2009 annual report, released in June, the Public Ministry reported 2,722 complaints regarding corruption in both the private and the official sectors, of which 594 resulted in indictments and 268 in convictions. The report also claimed the Public Ministry's fight against corruption was "positive, since it achieved for the first time in its history accusations against two former governors and 16 mayors or former mayors for irregularities committed in the exercise of their responsibilities." Both governors charged in 2009 were former government allies who had become critics, Eduardo Manuitt and Didalco Bolivar. Both left the country during 2009. On April 21, the Supreme Court reaffirmed the arrest warrant against Bolivar. There were no known developments in the case against Manuitt during the year.

There was no information publicly available about any investigations of high-level officials associated with the Government. Among the most notable examples of allegations of high-level corruption by public officials were:

In June the national media reported on the so-called Pudreval scandal, in which thousands of tons of decomposed food intended for distribution through the Government's subsidized food programs were found at government warehouses throughout the country. According to the economic daily newspaper *El Mundo* on July 12, high-level government officials, including the then vice president Ramon Carrizales, were aware of large amounts of food waiting in the ports as early as January 2009. On August 11, Comptroller General Russian dismissed media inquiries about a possible criminal investigation by observing "there are no conclusive reports about this case." Despite calls from the opposition and NGOs for an investigation, the Government pursued charges against only three current or former employees of PDVAL, the food import and distribution unit of the national oil company PDVSA. PDVAL Director Luis Pulido Lopez, former executive director of operations, Mercedes Vilyeska Betancourt Pacheco, and former general manager Ronnal Jose Flores Burgillo were arrested in early June on charges of speculation and detained at the SEBIN facility in Puerto Cabello; on December 16, the Supreme Court annulled the proceedings and ordered a retrial in a different trial court. The defendants remained detained awaiting trial at year's end.

On July 11, *El Nacional* reported that seven current or former high-ranking government officials whom President Chavez had selected as candidates for the National Assembly had pending accusations of corruption in the Comptroller General's Office or the Public Ministry that had not been investigated, prosecuted, or sanctioned.

On October 23, securities regulator Rafael Ramos de la Rosa was arrested in Miami on charges of allegedly attempting to extort \$1.5 million from the former owner of a brokerage firm seized by the Government in late 2009. Subsequently the head of the securities regulatory agency stated that Ramos de la Rosa was not a government employee despite the fact that he had been appointed to his position by the agency.

On August 11, Comptroller General Russian expressed frustration that his office's annual reports continued to observe "the same recurrent flaws and deficiencies in government administration." He criticized public servants who "neither resolved nor even addressed" the problems of citizens, "unnecessarily delayed" decisions, or made them "arbitrarily or capriciously." He cited one government investigation involving a project initiated in 2005 to erect 12,000 prefabricated houses purchased from Uruguay. The investigation by the Comptroller General's Office found that the project had resulted in the completion of just 11 of the houses despite the disbursement of \$71 million—almost half the project's total. The report criticized the Ministry of Public Works and Housing and the state-owned oil company PDVSA for "reckless mismanagement of public funds." However, there was no information available about any government investigation or prosecution of those responsible.

Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. Impunity for corruption, brutality, and other acts of violence were major problems explicitly acknowledged by some government officials.

According to the INE study, police and National Guard members were responsible for almost one-eighth of all crimes and a high proportion of the crimes of corruption, deprivation of liberty, and extortion. The study reported that 19,177 police or National Guard members committed crimes between July 2008 and July 2009, of which 4,268 involved corruption and 1,334 extortion. In October 2009 Interior and Justice Minister Tareck El Aissami stated that police committed approximately 15-20 percent of the country's crimes, including the most violent ones.

Public officials as well as all directors and members of the board of private companies are required to submit sworn financial disclosure statements pursuant to the Organic Law on the Comptroller General of the Republic and the National Fiscal Control System and the Law against Corruption, respectively (see section 3). The law also provides for citizen access to government information. However, human rights groups reported that the Government routinely ignored this requirement and their requests for information, did not make government information available, and usually did not give a reason for not providing it. On July 15, the Constitutional Chamber of the Supreme Court declared that the salaries of public officials were confidential information. The NGO Pro-Access Coalition complained that the court's ruling constituted a setback in the public's right to access information and to transparency in public administration.

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

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. There was no indication the Government took action in response to their reports or recommendations.

Many domestic NGOs reported government threats and harassment against their leaders, staff, and organizations. Among the most notable examples of government harassment were:

On March 4, two human rights NGOs requested that the Inter-American Court on Human Rights grant provisional measures to representatives of COFAVIC because of a series of attacks against the organization and its leadership by government officials and the official media. The IACHR had granted COFAVIC protective measures in 2002. On May 28, the court denied the request for provisional measures.

On May 11, Rocio San Miguel, director of the military watchdog NGO Civil Association of Citizen Control in Venezuela, filed a complaint with the Public Defender's Office and the Public Ministry claiming that she had received threatening telephone calls and was the victim of attacks in the official media following her May 6 public allegation that 14 high-level military officials were registered and active in the PSUV despite the constitutional prohibition against membership by military officials in political parties. On May 17, the Observatory for the Protection of Human Rights Defenders, the World Organization against Torture, and the International Federation of Human Rights issued a joint statement denouncing the "harassment, threats, and defamation against San Miguel" and urging the Government "to take immediate action to ensure the physical safety of San Miguel."

On May 28, OVP Director Humberto Prado submitted a complaint to the Public Defender's Office regarding a surveillance operation in the vicinity of his home conducted the previous day by seven armed militants on motorcycles. The surveillance occurred a week after Prado's participation in a May 20 peaceful protest by families of prisoners over delays in the judicial process and prison conditions. Prado had been subject to previous harassment and had been granted a provisional measure by the IACHR in November 2009.

The Government also threatened NGOs with criminal investigations for allegedly illegal receipt of foreign funds:

On July 15, the Public Ministry named a prosecutor to investigate allegations by the PSUV and the progovernment NGO Necessary Journalism Movement that certain NGOs had illegally received foreign funding through the Pan American Development Fund, in particular the Press and Society Institute and NGO Public Space. On July 14, President Chavez had asked the Public Ministry to deepen its investigation into foreign funding of NGOs, which he claimed was undermining the country's sovereignty. On July 20, the National Assembly's Permanent Committee on Science, Technology, and Social Communication adopted a resolution calling for a "deepening of the investigation" of foreign-funded programs to determine whether NGOs and journalists had committed any crimes. The resolution specifically listed more than 35 foreign and domestic organizations and 18 individuals. Human rights defenders publicly called the resolution "a witch hunt" and an attempt by the Government to "criminalize" human rights work. There were no known developments in the Government's investigation by year's end.

On July 22, in a decision on a case brought by the NGO Sumate challenging the legality of the 2009 constitutional referendum, the Supreme Court noted that "obtaining financial resources, whether directly or indirectly, coming from foreign states with the intention of being used to the detriment of the Republic, the Peo-

ple,...political, social, or economic acts... might eventually constitute" a punishable crime under the penal code.

On December 21, the National Assembly adopted the Law on the Defense of Political Sovereignty and National Self-Determination. The law prohibits individuals, political organizations, or organizations involved in the defense of "political rights" from receiving resources from any non-Venezuelan person or entity. It penalizes individuals and organizations with fines and/or a potential 5-8 year disqualification from running for political office, notwithstanding penalties established under other laws. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, and promoting candidates for public office. Organizations involved in the defense of political rights include those that "promote, disseminate, inform, or defend the full exercise of the political rights of citizens." The law also prohibits foreign nationals who are sponsored by Venezuelan individuals or political organizations from "issuing opinions that offend the institutions of the state, its high officials or go against the exercise of sovereignty." The law's adoption followed President Chavez's November 23 appeal to the National Assembly for a "severe law" to prohibit "political parties, NGOs, and people against the revolution to continue to be financed with millions and millions of dollars from the Yankee empire...to destabilize our country." In a December 20 letter to the National Assembly, Sumate advised that the law violated the rights guaranteed in the constitution to freedom of association, political participation, and equality and the right to receive resources to promote human rights contained in article 13 of UN General Assembly resolution 53/144.

Domestic NGOs spoke out against government harassment of NGOs and threats against organizations receiving foreign assistance. On July 16, the Forum for Life, a coalition of human rights NGOs, publicly rejected what it characterized as "politics of harassment and a public campaign to discredit the work of Venezuelan human rights NGOs" and stated that international treaties signed by the Government, the constitution, and article 13 of the UN Declaration on Human Rights Defenders allow for NGOs to receive international funding.

International NGOs and the IACHR also expressed concern about the situation of NGOs in the country. On March 25, the IACHR issued a statement expressing "profound concern about the use of the punitive power of the State to criminalize human rights defenders." On August 12, 34 members of the International Coalition of Human Rights Organizations of the Americas denounced the criminal investigations the Government launched against NGOs involved in human rights and media freedom issues. On August 24, the NGO Human Rights Watch issued a statement urging the Government to "end its apparent campaign of harassment" against Carlos Correa, the director of the NGO Public Space.

During the year the Government expressed hostility toward international human rights bodies (see section 1.e.). The Government refused to permit a visit by the IACHR, although several working-level officials from the OAS visited Caracas for one day in December 2009 to meet with NGOs and other groups. The Government has not permitted a visit by the IACHR since 2002. The Government also rejected the IACHR's 2009 report, *Democracy and Human Rights in Venezuela*, publicly released on January 22, which identified the following problems preventing the full exercise of human rights in the country: the lack of effective separation of powers, the lack of guarantees for freedom of expression for all viewpoints, use of the Government's punitive power to intimidate or sanction contrary views, the lack of conditions for human rights defenders and journalists to work freely, and impunity in cases of violence. President Chavez said on February 25 that the report was "pure garbage" and threatened to withdraw from the organization, saying that "someday the OAS needs to vanish." He publicly told Foreign Minister Maduro that the report "wasn't worth responding to" and instructed him to look into withdrawing from that "awful commission." He also criticized IACHR Secretary General Santiago Canton, calling him "pure excrement." Public Defender Gabriela Ramirez also disputed the report's findings and accused the IACHR of unfairly taking some statistics out of context and using others selectively to show a pattern of political repression and abuses by the Government.

On June 18, in response to UN Special Rapporteur for Freedom of Opinion and Expression Frank LaRue's charge that, in the case of Globovision President Zuloaga (see section 2.a.), the Government was "silenc[ing] critics or those who oppose the state with criminal proceedings," the country's UN Ambassador Jorge Valero stated that these "declarations, without any basis, constitute a new and unacceptable interference by LaRue in the internal affairs of our country, and they show the rapporteur's identification with the political plans of the coup mongering opposition." The ambassador also accused LaRue of "undue use and abuse of his functions in a case that does not have anything to do with freedom of expression" and said

the country would file a request with the UN Secretary General for the rapporteur's dismissal. The Government did not respond to LaRue's 2009 request to visit the country.

Although the public defender, appointed by the National Assembly, is responsible for ensuring that citizen rights are protected in a conflict with the state, human rights NGOs claimed that the Public Defender's Office was not independent and rarely acted on public interest cases; they also alleged that the public defender was chosen in 2007 in a nontransparent process. Reports or recommendations issued by the office were not widely available.

The National Assembly's subcommission on human rights played an insignificant role in human rights debates.

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

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems.

Women.—The law prohibits rape, including spousal rape. It is punishable by a prison term of eight to 14 years, although cases often were not reported to the police. A man may avoid punishment by marrying his victim before sentencing. There were no reliable statistics on the incidence of, or prosecutions or convictions for, rape. Women faced substantial institutional and societal prejudice with respect to reporting rape and domestic violence. The INE survey reported that from July 2008 to July 2009 there were 5,005 victims of sexual abuse, 927 involving rape. According to the study, 5 percent of the victims of sexual abuse were children.

The law criminalizes physical, sexual, and psychological violence in the home, the community, and at work, as well as sexual harassment and slavery. The law punishes domestic violence with penalties ranging from six to 27 months in prison. 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. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence. According to a July 1 announcement by the Public Ministry, 57 prosecutors were assigned to handle cases of violence against women.

Violence against women continued to be a problem. On April 13, the Public Defender's Office cited statistics that every 15 minutes in the country a woman was the victim of abuse by her partner, and every 10 days in Caracas a woman died from domestic violence. In a July 20 statement, the NGO consortium Network of Support claimed that only 10 percent of abused women filed complaints with government authorities.

In April in a press note announcing a course for public officials to improve treatment of victims of domestic violence, the Public Defender's Office stated that the Public Ministry received 101,750 complaints nationwide of violence against women; courts had more than 50,000 cases involving domestic violence; and the specialized courts for women had approximately 12,000 cases. In June, Luisa Rodríguez Andarcio, vice minister for social strategies of the Ministry of Women, stated in a televised interview that, in the first five months of the year, there were 200,000 complaints of violence against women. On September 16, Prosecutor General Luisa Ortega Díaz stated that since January 1, the Public Ministry had received 65,464 complaints of violence against women through August 30. She said the figure reflected a lessening in the fear and shame attached to reporting these crimes. There was no publicly available information regarding the number of indictments, prosecutions, or convictions resulting from these investigations and cases. However, in its 2009 annual report, the Public Ministry reported that the tribunals specializing in gender-based violence had issued a total of 570 sentences during 2009, of which 410 (72 percent) were convictions, 121 (21 percent) were acquittals, and 39 (7 percent) were confessions. El Nacional reported on November 25 that a total of 120,217 complaints of violence against women were filed in the specialized courts, of which 118,417 were in the investigative phase, 1,735 were in trial phase, and 60 had concluded with final sentences.

The Government sought to combat domestic violence through public awareness campaigns and a national victim-assistance hotline administered by the Ministry of Women's Affairs, which succeeded the National Women's Institute in 2009. On March 8, the Government-sponsored newspaper Correo del Orinoco reported that the hotline had received 31,921 calls since its creation in 1999. It also reported that the National Defenders Office for Women, established in 2001, had provided legal and other assistance to a total of 21,553 women and that two government-run shel-

ters had saved the lives of 184 women, 155 girls, and 137 boys. In August the Public Ministry announced the planned creation of technical units staffed by medics, psychiatrists, and/or psychologists with specialized training to provide assistance to women, children, and adolescents who were victims of violence.

The April 18 killing of Jennifer Carolina Viera by her husband, ex-world lightweight boxing champion Edwin "Inca" Valero, put a public spotlight on the problem of violence against women and highlighted some limitations in the Government's response to these situations. Valero, who committed suicide shortly after confessing to the killing, had been questioned or charged with numerous acts of violence and aggressive behavior against his wife and other female members of his family since 2006. On March 25, police had detained him on charges of harassment, making threats, and resisting arrest after his wife was hospitalized with two broken ribs and other injuries; the court issued a restraining order against him. However, Viera asked that the charges be dropped.

Sexual harassment is illegal and punishable by a prison sentence of one to three years. Sexual harassment was allegedly common in the workplace, but cases were rarely reported.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men were generally given equal access to diagnostic services and treatment for sexually transmitted infections. The Population Reference Bureau reported 70-percent use of contraception among married women between ages 15 and 49. A 2008 UN inter-agency report estimated the maternal mortality rate at 68 deaths per 100,000 live births in 2008. Maternal health information and online resources were generally available.

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 Confederation of Workers, these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. In its preliminary report to the 11th Regional Conference on Women in Latin America and the Caribbean in July, the Government reported that it provided between 60 and 80 percent of the minimum wage to needy homemakers. The Ministry of Women worked to protect women's rights but did not make statistics publicly available.

The law provides women with property rights equal to those of men. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children.—Citizenship is derived by birth within the country's territory. According to the UN Children's Fund (UNICEF), thousands of children were not officially registered at birth.

According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

Under the law sexual relations with a minor under age 13 or an "especially vulnerable" person, or with a minor under age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim.

Child marriage was not a widespread problem. There were some reports of child sexual exploitation during the year, including reports of trafficking in children for the purpose of commercial sexual exploitation. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. There was no publicly available information regarding the number of investigations or prosecutions of cases involving the commercial sexual exploitation of minors or child pornography.

According to a March 3 announcement by the Public Ministry, a total of 67 prosecutors were assigned to handle cases specializing in the protection of children.

The NGO For the Rights of Children and Adolescents estimated that 15,000 children lived on the streets. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to attempt to cope with this problem, but

with institutions 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, Mision Negra Hipolita, provided assistance to street children and the homeless.

The country is a party to the 1980 Hague Convention on Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at <http://travel.state.gov/abduction/resources/congressreport/congressreport—4308.html>.

Anti-Semitism.—There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including anti-Semitism.

There were an estimated 9,500 Jews in the country. Jewish leaders reported that much of the anti-Semitic graffiti that appeared in 2009 had not been painted over and was still publicly visible. New anti-Semitic graffiti appeared on the Episcopal Conference's downtown Caracas commercial buildings after their February 7 expropriation by President Chavez; press reports indicated that the buildings were erroneously rumored to be Jewish-owned. The 11 suspects in the January 2009 vandalism and desecration of the Tiferet Israel synagogue in Caracas remained in prison awaiting trial at year's end.

Jewish community leaders publicly expressed concern about anti-Semitic expressions carried in official and government-affiliated media. These expressions often increased following government criticism of Israeli government policies or actions. For example, on June 2, following the Gaza flotilla incident, President Chavez called Israel a "genocidal state" but said he was not an "enemy of the Jews," that Venezuelan Jews "have our affection and our respect," and that he "could not believe that a Venezuelan Jew would support this kind of massacre." On July 11, an anti-Israel advertisement produced by Tatuy TVC and Phantom Studios aired on government-owned Venezolana de Television during a World Cup soccer game; it showed an Israeli soccer team attacking a pregnant woman, an elderly man, and children, followed by the text, "It's not a game, it's a massacre," and, "We are all Palestinians." In the advertisement boot sounds were audible in the background. On July 12, government-owned newspaper *Diario Vea* published an article that claimed that "to avenge the Shoah, the Jews commit their own genocide, [they] massacre families and perpetrate other atrocities, like starving the children of Gaza until they die." On July 13, *Diario Vea* published a political cartoon depicting Israeli Foreign Minister Lieberman, with half his face as Adolf Hitler, holding up his hand that was tattooed with a skull with sharp teeth and an Israeli flag on its forehead. Government-affiliated Web site *Aporrea.org* published an article on August 6 claiming that "the people are the new enemy of the degenerate neo Zionist fascist race, who are a new edition of Hitler's Nazi thinking and his racial superiority madness, which has been recovered by Zionist Jewish and Catholic thieves and assassins."

On August 9, Foreign Minister Maduro met with representatives of the Latin American Jewish Congress, who later stated publicly that the foreign minister had promised to provide security to the Jewish community during the Jewish High Holidays and to monitor anti-Semitism in the media. The Government provided increased security to Jewish religious and community centers in response to their concerns.

On September 16, Jewish community leaders met with President Chavez and issued a communique which stated that they had expressed their "profound concern" to the president regarding the "anti-Semitic statements, practically daily, which started years ago, in the official and government-affiliated media." They noted the possible negative consequences of expressions of hate, such as threats to the security and integrity of Jewish institutions and individuals, and "officially requested the President of the Republic to intervene and stop these expressions." In a televised September 17 meeting with PSUV party representatives, President Chavez said the Jewish community had his "respect and affection and can count on the respect of the revolution, of the PSUV, and of the Bolivarian state." With respect to the request to end anti-Semitic expressions in the media, President Chavez called "for all of us to respect the Jewish community in Venezuela as another community, as other Venezuelans." After a temporary lull, Jewish community representatives reported a renewed rise in anti-Semitism in the media. On October 13, government-affiliated Web site *Aporrea.com* published an article recommending the anti-Semitic book, *The Protocols of the Learned Elders of Zion*.

Trafficking in Persons.—For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report 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 ac-

cess to public transportation, and ramps were practically nonexistent. 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. Online resources and access to information were generally available to persons with disabilities.

Indigenous People.—The law prohibits discrimination based on ethnic origin, and senior government officials repeatedly stated support for indigenous rights. However, some NGOs complained of government mismanagement and paternalistic attitudes toward the indigenous population. Of the country's approximately 300,000 indigenous persons in 27 ethnic groups, many were isolated from urban areas, lacked access to basic health and educational facilities, and suffered from high rates of disease. The Government included indigenous persons in its literacy campaigns, in some cases teaching them to read and write in their native languages as well as in Spanish.

The law provides for three seats in the National Assembly for deputies of indigenous origin and for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, NGOs and the press reported that local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, traditions, or the allocation of natural resources. Indigenous persons called on the Government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group. The Yukpa indigenous group also called on the National Assembly to recognize the jurisdiction of indigenous courts to handle criminal cases involving its members.

Conflict between cattle ranchers/landowners and indigenous persons occurred sporadically. Civil-society organizations criticized a government land-transfer program, which gave private dairy farms in Zulía State to the Yukpa indigenous group, for causing tension and violence in the region.

On July 7, 80 Yukpas began a vigil in front of the Supreme Court to demand a response to their request that murder charges against Yukpa leader Cacique Sabino Romero and two Yupka members, Alexander Fernandez and Olegario Romero, be handled through their own indigenous legal system. The three were arrested in October 2009 in connection with the killing of three Yukpa members in a dispute over alleged cattle thefts.

The protestors cited article 260 of the constitution and article 141 of the Organic Law on Indigenous Peoples and Communities, which provide for indigenous communities to handle certain crimes in their own judicial system. The Supreme Court did not respond to the protesters' request; however, it transferred jurisdiction of the case from Zulía to Trujillo State, stating the decision to change venues was made to avoid "local interests." On October 18, Jose Maria Korta, the 81-year-old Jesuit founder of the Indigenous University of Venezuela, announced a hunger strike to demand that the three Yukpas be judged according to indigenous traditions. Korta ended the hunger strike on October 25 when Vice President Jaua met with him to discuss indigenous jurisdiction and the National Demarcation Process of Yukpa ancestral lands in Sierra de Perija.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The constitution provides for equality before the law of all persons and prohibits discrimination based on sex or social condition. On this basis the Supreme Court ruled in 2008 that no individual may be discriminated against by reason of sexual orientation in any way that implies treatment in an unequal fashion.

Violence against lesbian, gay, transgender, and bisexual (LGBT) communities reportedly occurred during the year.

On October 29, the president of the NGO Diversity and Sexual Equality before the Law testified before the IACHR on the rights of LGBT persons. According to her testimony, based on a 2008 study involving more than 750 interviews, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse. In cases of transgender persons, 83 percent reported having been victims of such violence or abuse. She also claimed the Government systematically denied legal recognition to transgender persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care. She said the Supreme Court had not yet acted on her 2004 petition for legal recognition.

On July 14, the NGO Diverse Venezuela reported that six transgender persons were killed in Caracas in 2009. Nationwide statistics of violence against transgender

persons were unavailable. Media frequently reported on hate crimes against transgender persons, but NGOs reported difficulties in following individual cases.

The media and leading advocates for the rights of LGBT persons noted that victims of hate crimes based on sexual orientation frequently did not report the incidents and were often subjected to threats and/or extortion if they filed official complaints with local police or authorities.

On May 5-7, the Public Defender's Office hosted an international seminar on sexual diversity in Caracas in order to promote discussion on ways to eliminate discrimination against the LGBT sector. The public defender said the event was undertaken as a way to help public defenders develop the methodological and conceptual tools to process complaints by LGBT persons of human rights violations.

Other Societal Violence or Discrimination.—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.

The prison monitoring NGO A Window to Liberty and the media reported that a La Planta inmate, under the pseudonym “Jesus Sotillo,” was denied HIV/AIDS treatment and medicine by Second Metropolitan Tribunal Judge Jorge Timaury on August 6 because his case was not deemed critical enough to warrant medical attention. Sotillo alleged he contracted the disease following a 2003 attack by 20 inmates who, upon learning of his homosexuality, reportedly beat and sexually abused him. Sotillo claimed he had not received any medical treatment by prison officials in more than 10 months.

On November 19, the Ministry of Interior and Justice published in the Official Gazette guidelines for the National Police and its officers relating to respect for gender identity and sexual orientation.

Section 7. Worker Rights

a. The Right of Association.—The law provides that all private and public sector workers (except armed forces members) have the right to form and join unions of their choice. However, according to labor sources and media reports, the Government continued to undermine this right by restricting the composition of union leadership and refusing to negotiate collective bargaining agreements. Approximately 10 percent of the 13-million-person total labor force was unionized. According to INE statistics cited by PROVEA, approximately 6.8 million workers were in the formal sector as of August.

The Government provided no statistics on newly registered trade union organizations during the year, but other sources estimated that the number of such organizations increased slightly to approximately 6,500. According to labor leaders, the Government was responsible for the creation of many of these organizations, because it sought to create “parallel” unions to dilute the membership and effectiveness of traditional unions. In general these new unions were not subject to the same government scrutiny and requirements regarding leadership elections.

The CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. The law prohibits union leaders from engaging on anything beyond administrative tasks, including representing workers in negotiations, if CNE-administered and -certified elections are not held within this time period. Labor unions complained of long delays in obtaining CNE concurrence to hold such elections and in receiving certification of the election results. The International Labor Organization (ILO) noted that it repeatedly found cases of interference in trade union elections by the CNE that were incompatible with ILO Convention 87. On June 21, the ILO Governing Body determined that the intervention of the CNE in the elections of the SNTP executive board “seriously violated” ILO Convention 87. In the cases of the SNTP and the Single Organized National Trade Union of Workers of the Judiciary, the governing body urged the Government to prevent any interference by the CNE in the elections to the executive boards of these unions, to refrain from invoking alleged irregularities or appeals to prevent them from engaging in collective bargaining, and to take measures to amend or repeal legislation that allows interference by the CNE in trade union elections.

On August 1, in his weekly column “Lines from Chavez,” President Chavez claimed “that in Bolivarian Venezuela we do not have unionists assassinated.” PROVEA issued a statement on August 3 challenging that claim and subsequently published a list of 122 unionists killed between June 2008 and August 2010, mostly in conflicts allegedly related to obtaining jobs.

In its November 12 report, the ILO Committee on Freedom of Association expressed grave concern about the allegations of contract killings of 200 workers and the June 2009 murder of three union officials and noted that freedom of association

could be exercised only when fundamental rights relating to human life and personal safety were fully respected and guaranteed. It called on the Government to intensify its judicial investigations into these killings. It also called on the ILO Governing Body to pay special attention to this case “because of the extreme seriousness and urgency of the matters.”

There was no new information regarding the prosecution of Julio Cesar Arguinzonez for his alleged role in the 2008 killings of three trade union leaders (Richard Gallardo, Carlos Jose Requena, and Luis Hernandez) in Aragua State at the time of a collective-bargaining dispute.

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; however, 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.”

In November the ILO Committee on Freedom of Association called on the Government to take the necessary steps to immediately release six PDVSA workers detained for their participation in a June 2009 strike and to drop the criminal charges against them. It also called on the Government to amend the INDEPABIS law (see section 1.e.) to exclude services “which are not essential in the strict sense of the term and so that in no event may criminal sanctions be imposed in cases of peaceful strikes,” and to partially amend the Organic National Security Act, whose criminal penalties of five to 10 years’ imprisonment for “activities to disrupt or adversely affect the organization and operation of public services” could apply to the lawful exercise of the right to strike.

At year’s end the Government continued to refuse to adjudicate or resolve the cases of 19,000 state-owned petroleum-company employees who were fired during and after the 2002-03 national strike. The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of these workers.

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; however this right is restricted in practice. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers but does not allow minority organizations to jointly negotiate in cases where no union represents an absolute majority. The ILO objected to this provision and requested that the Government amend it. In practice CNE delays in administering union elections and certifying their results hampered unions’ ability to bargain collectively because union leaders were not permitted to represent workers in negotiations (see section 7.a.). During the year a report by the International Trade Union Confederation noted that more than 3,700 collective bargaining agreements in both the public and private sectors were expired. The Government’s refusal to negotiate or renew the public-sector agreements meant that only 9 percent of the sector’s workers were covered by them. According to PROVEA, more than two million public-sector employees worked under expired collective agreements during 2009; the Ministry of Labor provided no comparable statistics for 2010.

The leader of the largest national union federation, the National Workers’ Union, stated that the framework agreement for public administration had not been discussed for five years and the one covering Labor Ministry employees had not been discussed for 18 years. There were no developments reported during the year concerning the formal complaint lodged with the ILO by the Teachers’ Federation and its 27 affiliated organizations to request that the Government restore its collective bargaining rights, which were blocked in 2006.

In November the ILO Committee on Freedom of Association requested that the Government immediately release and compensate union leader Ruben Gonzalez, who was detained in September 2009 for protesting the state-owned iron ore mining company’s alleged violation of a collective agreement.

There are no special laws or exemptions from regular labor laws in the sole export processing zone.

c. Prohibition of Forced or Compulsory Labor.—While the law generally prohibits forced or compulsory labor, including by children, there were isolated reports of trafficking in children for employment purposes, particularly in the informal economic sector (see also section 7.d.). International organizations and NGOs also reported that there were men, women, and children from Brazil, China, and Colombia subjected to forced labor, although there was no information available regarding the extent of the problem.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

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.

Children most frequently worked in agriculture, retail trade, hotels, restaurants, manufacturing, and community and social services. Hundreds of thousands of minors were believed to be working but not receiving the salary and benefits due them under the law. According to the Government, in 2006, 131,902 boys and 10,196 girls worked in the agricultural sector, 3,772 boys and 10,285 girls worked in industrial manufacturing, and 36,106 boys and 746 girls worked in construction.

There were reports that children were trafficked for exploitation as domestic servants and forced begging. (Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.)

The law sets the minimum employment age at 14 years and permits children aged 12 to 14 years to work only if the National Institute for Minors or the Ministry of Labor grants special permission. Children aged 14 to 16 years may not work without the permission of their legal guardians. Those under 16 years of age may 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 and in occupations that risk life or health or could damage intellectual or moral development.

Fines are established for employing children ages eight to 11 and for employing 12- or 13-year-olds without 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 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, and the Government also continued to provide services to vulnerable children, including street children, working children, and children at risk of working. However, there was no independent accounting of the effectiveness of these and other government supported programs.

e. Acceptable Conditions of Work.—On May 5, the Government announced a 25-percent increase in the monthly minimum wage and in the salaries of all public-sector employees, implemented in two stages, which raised the minimum wage to 1,223.89 Bs.F (approximately \$470). However, the 25-percent increase was below the country's recent annual inflation rate of 28-30 percent. Moreover, the real annual purchasing power of the minimum wage was reduced with the devaluation of Bs.F from 2.15/\$1 to 2.60/\$1 for goods the Government defined as essential and the establishment of a second 4.30/\$1 official exchange rate on January 8 for goods the Government deemed nonessential. According to the INE, as of October the basic food basket cost 1,353 Bs.F, although the NGO Workers' Center for Documentation and Analysis reported that for the same month a basic food basket cost 2,428 Bs.F—almost twice the minimum wage. The Labor Ministry enforced minimum wage rates effectively in the formal sector, but approximately half the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the workweek may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed 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. 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. While statistics are not publicly available, PROVEA and the press reported some industrial accidents and at least one fatality during the year stemming from accidents at facilities operated by PDVSA and other heavy industrial operations. Numerous complaints of unsafe conditions continued in Bolivar State. In practice ministry inspectors seldom closed un-

safe job sites. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment; there is no information about whether this right was respected in practice.

APPENDIX A

Notes on Preparation of This Report

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 August 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 will not reflect developments that became known after the end of the year. However, 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 individuals who are believed, based on all the evidence available, to have committed human rights or other related 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 in the reports human rights problems affecting women, children, persons with disabilities, and indigenous people. 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 6, we discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, the gay, lesbian and transgender community, 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. This section 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. 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 free of corruption 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 of law by individuals and efforts to coerce or forbid membership in a political organization. The reports discuss the right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example, while the right to publish is discussed under “Freedom of Speech and Press.” Includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation, which are addressed under “Discrimination and Societal Abuses.”

Use of Excessive Force and Other Abuses in Internal Conflicts.—This optional section describes abuses in countries experiencing significant internal conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, or by the shelling of villages (deliberate, targeted killing of civilians is discussed in the section on “Arbitrary or Unlawful Deprivation of Life”). This section 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 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 or licenses for meetings and 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.—All country reports have a hyperlink to the most current International Religious Freedom Reports published by the Department of State. Examples of anti-Semitism are moved to Section 6 under its own subsection, appearing after Children and before Trafficking.

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.

Official Corruption and Government Transparency.—Covers allegations of corruption in the executive, legislative and judicial branches of government and actions taken to combat it. Also, the section 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; Anti-Semitism, Trafficking in Persons; Persons with Disabilities; Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity; and Other Societal Violence or Discrimination. If applicable, also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, 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 opposi-

tion 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. A paragraph on reproductive rights reports on the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children.

The subsection “Children” discusses violence or other abuse against children.

The subsection on “Anti-Semitism” discusses anti-Semitic abuses. The material used to be found under Section 2.c. on Religious Freedom; that section now contains a hyperlink to the most recent International Religious Freedom Report. Within that report, there is material on anti-Semitism, but such information is also included in the Country Reports.

The “Trafficking in Persons” subsection contains a hyperlink to the most recent Trafficking in Persons report of the Department of State.

The subsection “Persons with Disabilities” covers discrimination against persons with physical or mental disabilities in, among other things, employment, education, and the provision of other government services. The subsection on “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity” notes laws criminalizing sexual orientation and reports on discrimination against gays, lesbians, bisexual, and transgender persons.

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 November 24, 2010 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 and antitrafficking standards, including the Conventions and Recommendations of the International Labor Organization (ILO) and the UN Organized Crime Convention Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Differences in the levels of economic development are taken into account in the formulation of the standards related to acceptable conditions of work. 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 preven-

tion 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." The UN Trafficking Protocol definition also references forced labor or services.
 - 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.
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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	Z
Afghanistan	P	-	-	P	-	P	P	P	-	P	P	P	P	P	P	P	P	P	-	P	P	S	P	P	P	-
Albania*	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	S
Algeria	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P
Andorra	-	-	-	P	-	P	P	-	P	-	-	-	P	P	-	P	-	-	-	-	-	P	P	P	-	S
Angola	-	P	P	-	-	P	P	-	-	P	-	-	-	P	P	-	P	-	P	-	-	P	P	P	P	-
Antigua & Barbuda	P	P	P	P	P	P	P	-	-	1	P	P	P	-	-	P	P	-	P	P	P	P	P	P	P	S
Argentina	-	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Armenia	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P
Australia	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P	P
Austria	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	P	P	-	P	P	P	P	P
Azerbaijan	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	P	P	-	P	P	P	P	P
Bahamas	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P	P	-	P	P	-	P	P	P	P	-
Bahrain	P	P	-	P	-	P	P	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	P	P	P	S
Bangladesh	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P
Barbados	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P	S
Belarus	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P
Belgium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P
Belize	1	P	P	P	P	P	P	-	-	-	1	P	P	P	S	P	P	-	P	P	P	P	P	P	P	-
Benin	2	P	P	-	-	P	P	-	-	-	-	P	P	P	P	P	P	-	P	P	P	P	P	P	P	S
Bhutan*	-	-	-	-	-	P	P	-	-	-	-	-	S	-	-	-	-	-	-	-	-	P	-	P	-	S
Bolivia	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S
Bosnia & Herzegovina	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P
Botswana	1	P	P	-	-	P	P	-	-	-	1	P	P	P	-	P	P	-	P	P	P	P	P	P	P	-
Brazil	P	P	-	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Brunei*	1	-	-	-	-	P	P	-	-	-	1	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-

APPENDIX C—Continued
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

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APPENDIX C—Continued
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

[illegible]

[illegible]

APPENDIX C—Continued
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

[illegible]

[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	Z
Uruguay	S	P	P	P	P	P	P	P	—	—	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Uzbekistan	—	P	—	P	P	P	P	P	—	—	P	—	P	P	P	—	—	—	—	—	P	P	P	P	—	S
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	—
Vietnam*	P	—	—	P	—	P	P	—	—	—	—	—	P	P	P	—	—	—	—	P	P	—	P	—	P	S
Yemen	P	P	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	—	P	P	P	P	P	P	P	P
former Yugoslavia	P	P	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	—	P	P	P	P	P	P	—	—
Zambia	P	P	P	—	P	P	P	—	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P
Zimbabwe	1	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	—	P	—

P = Party
 S = Signatory
 * = non-ILO member
 1 = Based on general declaration concerning treaty obligations prior to independence
 2 = Party to 1926 Convention only

Key to Human Rights Conventions: A-Slavery B-ILO Convention 29 C-ILO Convention 87 D-Genocide E-ILO Convention 98 F-Prisoners of War G-Civilians in War H-Traf-
 fic in Persons I-European HR Conv. J-Pol. Rights of Women K-Suppl. Slavery Conv. L-ILO Convention 105 M-Racial Discrimination N-Civil and Pol. Rights O-Econ./Soc./Cul.
 Rights P-UN Refugee Convention Q-UN Refugee Protocol R-American HR Conv. S-ILO Convention 138 T-Geneva Protocol I U-Geneva Protocol II V-CEDAW W-Torture X-
 Rights of the Child Y-ILO Convention 182 Z-Disabilities Convention

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 or Compulsory 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).C
- Z. Convention on the Rights of Persons with Disabilities of December 13, 2006.

APPENDIX E **FY 2010 Foreign Assistance Actuals, Part I** (\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AECA	INCLE	NADR	IMET
TOTAL	35,490,592	2,520,000	2,468,600	5,359,000	7,827,600	8,817,831	55,000	741,632	2,778,660	754,000	108,000
Africa	8,111,776	1,075,632	1,145,205	3,516,103	4,661,308	648,104	—	—	35,538	47,894	15,130
Angola	84,115	20,192	45,750	10,300	56,050	—	—	—	—	7,500	373
Benin	36,580	5,364	30,900	—	30,900	—	—	—	—	—	316
Botswana	77,331	—	—	76,443	76,443	—	—	—	—	—	688
Burkina Faso	21,737	1,375	6,000	—	6,000	—	—	—	—	1,143	261
Burundi	35,618	12,124	12,060	—	12,060	—	—	—	—	—	345
Cameroon	9,261	1,344	1,500	1,250	2,750	—	—	—	—	—	267
Cape Verde	727	—	—	—	—	—	—	—	603	—	124
Central African Republic	6,013	—	—	—	—	—	—	—	—	—	60
Chad	106,384	473	—	—	—	—	—	—	—	1,143	375
Comoros	661	—	—	—	—	550	—	—	—	—	111
Cote d'Ivoire	103,605	—	—	103,305	103,305	—	—	—	—	300	—
Democratic Republic of the Congo	282,699	—	65,700	19,635	85,335	77,600	—	—	1,700	841	500
Djibouti	13,566	6,542	396	150	546	—	—	—	—	1,970	379
Ethiopia	909,419	82,177	87,200	286,699	373,899	—	—	—	—	2,225	336
Gabon	720	—	—	—	—	—	—	—	—	—	200
Ghana	141,441	73,497	59,100	7,000	66,100	—	—	—	500	—	794
Guinea	23,618	14,518	7,500	—	7,500	—	—	—	—	—	—
Guinea-Bissau	1,500	—	—	—	—	—	—	—	1,500	—	—
Kenya	797,889	79,395	71,550	528,760	600,310	4,000	—	—	—	9,750	959
Lesotho	28,227	—	6,400	21,650	28,050	—	—	—	—	—	177
Liberia	230,513	1,375	34,850	800	35,650	153,000	—	—	9,000	—	488
Madagascar	91,023	10,500	58,400	500	58,900	—	—	—	—	—	—
Malawi	148,199	29,851	63,600	36,448	100,048	—	—	—	—	—	300
Mali	120,336	55,891	49,950	1,500	51,450	1,000	—	—	—	1,143	411

APPENDIX E—Continued
FY 2010 Foreign Assistance Actuals, Part I
(\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AECA	INCLE	NADR	IMET
Mauritania	7,902	1,199	—	—	—	—	—	—	—	1,556	147
Mauritius	600	150	—	—	—	—	—	—	—	300	150
Mozambique	386,335	38,107	64,175	261,953	326,128	—	—	—	300	2,000	385
Namibia	102,899	—	1,950	100,809	102,759	—	—	—	—	—	140
Niger	66,551	1,973	—	—	—	—	—	—	—	842	—
Nigeria	616,180	70,967	69,100	471,227	540,327	—	—	—	500	1,520	1,016
Republic of the Congo	4,926	—	—	—	—	—	—	—	—	—	132
Rwanda	212,351	45,900	37,500	124,072	161,572	—	—	—	—	—	512
Sao Tome and Principe	501	—	—	—	—	—	—	—	—	—	171
Senegal	109,480	56,528	48,350	1,768	50,118	400	—	—	—	1,143	991
Seychelles	118	—	—	—	—	—	—	—	—	—	118
Sierra Leone	31,353	—	—	500	500	18,000	—	—	250	—	403
Somalia	152,176	—	1,550	—	1,550	31,270	—	—	—	2,353	—
South Africa	579,930	16,316	14,500	545,969	560,469	—	—	—	—	1,500	845
Sudan	705,021	1,300	30,010	7,036	37,046	296,034	—	—	16,000	3,900	793
Swaziland	27,767	—	6,900	20,700	27,600	—	—	—	—	—	167
Tanzania	467,739	38,252	83,525	336,254	419,779	—	—	—	450	2,110	397
The Gambia	118	—	—	—	—	—	—	—	—	—	118
Togo	319	95	—	—	—	—	—	—	—	—	224
Uganda	458,100	72,025	66,000	271,584	337,584	—	—	—	235	1,030	591
Zambia	358,235	46,054	50,900	253,661	304,561	—	—	—	—	—	366
Zimbabwe	168,481	—	24,500	24,330	48,830	40,200	—	—	—	—	—
African Union	3,000	1,500	—	—	—	1,500	—	—	—	—	—

[illegible]

[illegible]

Ukraine	117,932	—	4,000	9,528	13,528	—	—	89,000	—	2,500	1,904
Eurasia Regional	43,541	—	450	—	450	3,000	—	38,591	—	1,500	—
Europe Regional	36,341	—	—	—	—	2,000	—	34,341	—	—	—
International Fund for Ireland	17,000	—	—	—	—	17,000	—	—	—	—	—
Near East	6,403,401	64,935	8,000	—	8,000	1,725,900	—	828,250	85,385	18,520	—
Algeria	8,648	710	—	—	—	—	—	—	775	950	—
Bahrain	20,471	—	—	—	—	—	—	—	800	671	—
Egypt	1,295,700	—	—	—	—	250,000	—	—	2,800	1,900	—
Iraq	1,116,789	—	—	—	—	382,500	—	—	30,300	1,989	—
Israel	2,220,000	—	—	—	—	—	—	—	—	—	—
Jordan	692,997	—	—	—	—	463,000	—	—	24,725	3,772	—
Lebanon	238,300	—	—	—	—	109,000	—	—	6,800	2,500	—
Libya	769	—	—	—	—	—	—	—	300	319	—
Morocco	35,285	19,546	—	—	—	3,000	—	—	1,200	1,789	—
Oman	12,028	—	—	—	—	—	—	—	1,655	1,525	—
Saudi Arabia	207	—	—	—	—	—	—	—	200	7	—
Tunisia	21,945	—	—	—	—	2,000	—	—	—	1,945	—
United Arab Emirates	230	—	—	—	—	—	—	—	230	—	—
West Bank and Gaza	495,900	—	—	—	—	393,400	—	—	2,500	—	—
Yemen	80,328	35,000	8,000	—	8,000	5,000	—	—	1,000	1,153	—
Middle East Multilaterals (MEM)	1,000	—	—	—	—	1,000	—	—	—	—	—
Middle East Partnership Initiative (MEPI)	65,000	—	—	—	—	65,000	—	—	—	—	—
Middle East Regional Cooperation (MERC)	5,000	—	—	—	—	5,000	—	—	—	—	—
Multinational Force and Observers (MFO)	26,000	—	—	—	—	—	—	—	—	—	—
Near East Regional	2,325	—	—	—	—	—	—	—	2,325	—	—
Near East Regional Democracy	40,000	—	—	—	—	40,000	—	—	—	—	—
Trans-Sahara Counter-Terrorism Partnership (TSCTP)	13,800	—	—	—	—	6,000	—	—	5,800	—	—
USAID Middle East Regional (OMEPI) ..	10,679	9,679	—	—	—	1,000	—	2,000	—	—	—

APPENDIX E—Continued
FY 2010 Foreign Assistance Actuals, Part I
(\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AECA	INCLE	NADR	IMET
South and Central Asia	6,642,946	112,788	285,799	24,164	309,963	4,672,000	—	130,750	763,050	97,195	13,404
Afghanistan	4,144,868	—	91,827	500	92,327	3,346,000	—	—	589,000	57,655	1,756
Bangladesh	167,905	66,271	53,200	—	53,200	—	—	—	350	3,575	1,009
India	126,653	31,250	78,200	9,000	87,200	—	—	—	—	3,200	1,269
Kazakhstan	22,722	—	2,200	600	2,800	—	—	10,400	—	1,900	779
Kyrgyz Republic	53,608	—	1,200	475	1,675	—	—	46,000	—	1,590	843
Maldives	1,203	1,000	—	—	—	—	—	—	—	—	203
Nepal	62,226	—	25,000	—	25,000	27,000	—	—	3,700	700	896
Pakistan	1,911,617	—	29,722	—	29,722	1,292,000	—	—	170,000	23,875	5,000
Sri Lanka	29,903	9,900	—	—	—	—	—	—	—	450	731
Tajikistan	57,972	—	1,450	524	1,974	—	—	42,500	—	1,725	456
Turkmenistan	16,512	—	600	75	675	—	—	12,500	—	1,075	262
Uzbekistan	12,040	—	2,400	590	2,990	—	—	8,250	—	600	200
Central Asia Regional	23,500	—	—	12,400	12,400	—	—	11,100	—	—	—
State South and Central Asia Regional (SCA)	7,850	—	—	—	—	7,000	—	—	—	850	—
USAID South Asia Regional	4,367	4,367	—	—	—	—	—	—	—	—	—
Western Hemisphere	3,279,589	420,451	130,589	172,411	303,000	1,270,540	—	—	930,024	16,835	16,315
Argentina	1,500	—	—	—	—	—	—	—	300	300	900
Belize	278	—	—	20	20	—	—	—	—	—	258
Bolivia	72,524	35,248	16,910	—	16,910	—	—	—	20,000	—	366
Brazil	25,099	16,789	5,000	1,300	6,300	—	—	—	1,000	400	610
Chile	1,949	—	—	—	—	—	—	—	—	450	899
Colombia	516,192	—	—	—	—	201,790	—	—	243,900	4,750	1,694
Costa Rica	366	—	—	—	—	—	—	—	—	—	366
Cuba	20,000	—	—	—	—	20,000	—	—	—	—	—

Dominican Republic	49,194	24,600	9,050	9,250	18,300	—	—	—	4,450	—	844
Ecuador	30,972	24,783	—	—	—	—	—	—	4,500	—	375
El Salvador	56,122	23,904	5,490	20	5,510	25,000	—	—	—	—	1,708
Guatemala	104,036	38,726	14,600	—	14,600	—	—	—	7,500	—	797
Guyana	22,034	4,809	—	16,525	16,525	—	—	—	—	—	300
Haiti	1,412,398	—	22,800	121,240	144,040	920,750	—	—	168,767	—	92
Honduras	50,268	37,491	11,000	1,000	12,000	—	—	—	—	—	777
Jamaica	10,511	7,559	1,200	300	1,500	—	—	—	—	—	752
Mexico	403,597	10,000	3,458	—	3,458	15,000	—	—	365,000	3,900	989
Nicaragua	35,035	27,344	5,900	897	6,797	—	—	—	—	150	894
Panama	7,320	6,420	—	—	—	—	—	—	—	—	750
Paraguay	11,781	8,287	2,100	—	2,100	—	—	—	500	—	394
Peru	119,741	63,334	11,240	50	11,290	—	—	—	40,000	2,000	627
Suriname	650	—	—	—	—	—	—	—	—	—	250
The Bahamas	350	—	—	—	—	—	—	—	—	—	200
Trinidad and Tobago	567	—	—	—	—	—	—	—	—	—	167
Uruguay	1,223	—	—	—	—	—	—	—	—	200	523
Venezuela	6,000	—	—	—	—	6,000	—	—	—	—	—
Barbados and Eastern Caribbean	37,901	14,818	5,750	14,550	20,300	—	—	—	—	—	783
State Western Hemisphere Regional (WHA)	182,292	—	—	—	—	82,000	—	—	74,107	4,685	—
USAID Central America Regional	29,348	17,786	5,391	6,171	11,562	—	—	—	—	—	—
USAID Latin America and Caribbean Regional (LAC)	63,857	57,369	5,400	1,088	6,488	—	—	—	—	—	—
USAID South America Regional	6,484	1,184	5,300	—	5,300	—	—	—	—	—	—
Asia Middle East Regional	58,506	52,356	5,500	650	6,150	—	—	—	—	—	—
Asia Middle East Regional	58,506	52,356	5,500	650	6,150	—	—	—	—	—	—
Complex Crises Fund	50,000	—	—	—	—	—	—	—	—	—	—
Complex Crises Fund	50,000	—	—	—	—	—	—	—	—	—	—
DCHA—Democracy, Conflict, and Humanitarian Assistance	1,475,886	110,438	13,000	—	13,000	37,500	55,000	—	—	—	—
DCHA—FEWSNet	18,000	18,000	—	—	—	—	—	—	—	—	—
DCHA/ASHA	23,500	23,500	—	—	—	—	—	—	—	—	—
DCHA/GMM	3,500	3,500	—	—	—	—	—	—	—	—	—
DCHA/GMM—Reconciliation Programs	26,000	10,000	—	—	—	16,000	—	—	—	—	—

APPENDIX E—Continued
FY 2010 Foreign Assistance Actuals, Part I
(\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AEECA	INCLE	NADR	IMET
DCHA/DG—Core	28,500	12,000	—	—	—	6,500	—	—	—	—	—
DCHA/DG—Elections and Political Process Fund	32,500	—	—	—	—	—	—	—	—	—	—
DCHA/DG—Global Labor Program	7,500	—	—	—	—	—	—	—	—	—	—
DCHA/DG—SPANS, Special Protection and Assistance Needs of Survivors	52,000	24,000	13,000	—	13,000	15,000	—	—	—	—	—
DCHA/FFP—Contingency	192,948	—	—	—	—	—	—	—	—	—	—
DCHA/FFP—Non-Contingency	5,288	5,288	—	—	—	—	—	—	—	—	—
DCHA/OFDA	1,017,000	—	—	—	—	—	55,000	—	—	—	—
DCHA/OTI	55,000	—	—	—	—	—	—	—	—	—	—
DCHA/PPM	14,150	14,150	—	—	—	—	—	—	—	—	—
DRL—Democracy, Human Rights and Labor	70,500	—	—	—	—	500	—	—	—	—	—
DRL—China	15,000	—	—	—	—	—	—	—	—	—	—
DRL—Global Forensic Assistance	3,500	—	—	—	—	500	—	—	—	—	—
DRL—Global Funds	42,000	—	—	—	—	—	—	—	—	—	—
DRL—Muslim World Outside the Middle East	10,000	—	—	—	—	—	—	—	—	—	—
EGAT—Economic Growth Agriculture and Trade	292,834	280,334	—	—	—	—	—	—	—	—	—
USAID Economic Growth, Agriculture and Trade (EGAT)	292,834	280,334	—	—	—	—	—	—	—	—	—
G/TIP—Office to Monitor and Combat Trafficking in Persons	21,262	—	—	—	—	12,000	—	—	9,262	—	—
State Office to Monitor and Combat Trafficking in Persons (G/TIP)	21,262	—	—	—	—	12,000	—	—	9,262	—	—
GH—Global Health	320,342	—	320,342	—	320,342	—	—	—	—	—	—

[illegible]

APPENDIX E—Continued
FY 2010 Foreign Assistance Actuals, Part I
(\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AECA	INCLE	NADR	IMET
ODP—Development Grants Program (DGP)	40,000	40,000	—	—	—	—	—	—	—	—	—
ODP—Partnership for Democratic Governance (PDG)	1,000	1,000	—	—	—	—	—	—	—	—	—
ODP—Private Sector Alliances (PSA)	5,100	5,100	—	—	—	—	—	—	—	—	—
ODP—Volunteers for Prosperity (VIP)	237	237	—	—	—	—	—	—	—	—	—
OES—Oceans and International Environmental and Scientific Affairs	178,800	—	—	—	—	178,800	—	—	—	—	—
OES/CC Climate Change	145,500	—	—	—	—	145,500	—	—	—	—	—
OES/FTA-E FTA Environment	5,000	—	—	—	—	5,000	—	—	—	—	—
OES/OESP OES Partnerships	2,350	—	—	—	—	2,350	—	—	—	—	—
OES/OP Other Programs	5,950	—	—	—	—	5,950	—	—	—	—	—
OES/SPFF South Pacific Forum Fisheries	18,000	—	—	—	—	18,000	—	—	—	—	—
OES/W Water	2,000	—	—	—	—	2,000	—	—	—	—	—
PM—Political-Military Affairs	242,880	—	—	—	—	—	—	—	—	65,295	5,221
PM—Conventional Weapons Destruction	65,295	—	—	—	—	—	—	—	—	65,295	—
PM—FMF Administrative Expenses	54,464	—	—	—	—	—	—	—	—	—	—
PM—IMET Administrative Expenses	5,221	—	—	—	—	—	—	—	—	—	5,221
PM—TSCIP, Trans-Sahara Counter-Terrorism Partnership	21,000	—	—	—	—	—	—	—	—	—	—
PM—GPOI	96,900	—	—	—	—	—	—	—	—	—	—

APPENDIX E—Continued
FY 2010 Foreign Assistance Actuals, Part I
(\$ in thousands)

	All Accounts	DA	GHCS- USAID	GHCS- STATE	GHCS Total	ESF	TI	AECA	INCLE	NADR	IMET
USAID Management	1,646,800	—	—	—	—	—	—	—	—	—	—
USAID Capital Investment Fund	185,000	—	—	—	—	—	—	—	—	—	—
USAID Development Credit Authority Administration	8,600	—	—	—	—	—	—	—	—	—	—
USAID Inspector General Operating Expense	54,400	—	—	—	—	—	—	—	—	—	—
USAID Operating Expense	1,398,800	—	—	—	—	—	—	—	—	—	—
USAID Program Management Initiatives ..	2,800	2,800	—	—	—	—	—	—	—	—	—
USAID Program Management Initiatives	2,800	2,800	—	—	—	—	—	—	—	—	—

Account Acronyms: **DA** Development Assistance; **GHCS** Global Health and Child Survival; **ESF** Economic Support Fund; **TI** Transition Initiatives; **AECA** Assistance for Europe, Eurasia, and Central Asia; **INCLE** International Narcotics Control and Law Enforcement; **NADR** Nonproliferation, Anti-terrorism, Demining, and Related Programs; **IMET** International Military Education and Training; **FMF** Foreign Military Financing; **PKO** Peacekeeping Operations; **ERMA** U.S. Emergency Refugee & Migration Assistance; **IO&P** International Organizations and Programs; **MRA** Migration and Refugee Assistance; **FFP** Food for Peace; **IDA** International Disaster Assistance; **DF** Democracy Fund; **AID Admin** USAID Administration; **CCF** Christian Childrens Fund

APPENDIX E
FY 2010 Foreign Assistance Acutals, Part II
(\$ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	CCF
TOTAL	4,301,169	331,500	45,000	390,400	1,858,000	1,840,000	1,305,000	120,000	1,646,800	50,000
Africa	17,950	187,600	—	—	—	1,422,620	—	—	—	—
Angola	—	—	—	—	—	—	—	—	—	—
Benin	—	—	—	—	—	—	—	—	—	—
Botswana	200	—	—	—	—	—	—	—	—	—
Burkina Faso	—	—	—	—	—	12,958	—	—	—	—
Burundi	—	—	—	—	—	11,089	—	—	—	—
Cameroon	350	—	—	—	—	4,550	—	—	—	—
Cape Verde	—	—	—	—	—	—	—	—	—	—
Central African Republic	—	—	—	—	—	5,953	—	—	—	—
Chad	500	—	—	—	—	103,893	—	—	—	—
Comoros	—	—	—	—	—	—	—	—	—	—
Cote d'Ivoire	—	—	—	—	—	—	—	—	—	—
Democratic Republic of the Congo	1,450	14,000	—	—	—	101,273	—	—	—	—
Djibouti	2,000	—	—	—	—	2,129	—	—	—	—
Ethiopia	—	—	—	—	—	450,782	—	—	—	—
Gabon	520	—	—	—	—	—	—	—	—	—
Ghana	550	—	—	—	—	—	—	—	—	—
Guinea	—	1,600	—	—	—	—	—	—	—	—
Guinea-Bissau	—	—	—	—	—	—	—	—	—	—
Kenya	1,500	—	—	—	—	101,975	—	—	—	—
Lesotho	—	—	—	—	—	—	—	—	—	—
Liberia	6,000	10,000	—	—	—	15,000	—	—	—	—
Madagascar	—	—	—	—	—	21,623	—	—	—	—
Malawi	—	—	—	—	—	18,000	—	—	—	—
Mali	200	—	—	—	—	10,241	—	—	—	—

[illegible]

[illegible]

[illegible]

[illegible]

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
(\$ in thousands)

[illegible]

APPENDIX E—Continued

FY 2010 Foreign Assistance Acutals, Part II

[illegible]

[illegible]

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
(\$ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	CCF
Unallocated Earmarks	—	—	—	—	—	—	—	—	—	—
S/CT—Office of the Coordinator for Counterterrorism	—	—	—	—	—	—	—	—	—	—
State Coordinator for Counterterrorism (CT)	—	—	—	—	—	—	—	—	—	—
S/GAC—Office of the Global AIDS Coordinator	—	—	—	—	—	—	—	—	—	—
S/GAC, Additional Funding for Country Programs ..	—	—	—	—	—	—	—	—	—	—
S/GAC, International Partnerships	—	—	—	—	—	—	—	—	—	—
S/GAC, Oversight/Management	—	—	—	—	—	—	—	—	—	—
S/GAC, Technical Support/Strategic Information/ Evaluation	—	—	—	—	—	—	—	—	—	—
USAID Management	—	—	—	—	—	—	—	—	—	—
USAID Capital Investment Fund	—	—	—	—	—	—	—	—	1,646,800	—
USAID Development Credit Authority Admin	—	—	—	—	—	—	—	—	185,000	—
USAID Inspector General Operating Expense	—	—	—	—	—	—	—	—	8,600	—
USAID Operating Expense	—	—	—	—	—	—	—	—	54,400	—
USAID Program Management Initiatives	—	—	—	—	—	—	—	—	1,398,800	—
USAID Program Management Initiatives	—	—	—	—	—	—	—	—	—	—

Account Acronyms: **DA** Development Assistance; **GHCS** Global Health and Child Survival; **ESF** Economic Support Fund; **T1** Transition Initiatives; **AECCA** Assistance for Europe, Eurasia, and Central Asia; **INCLE** International Narcotics Control and Law Enforcement; **NADR** Nonproliferation, Anti-terrorism, Denining, and Related Programs; **IMET** International Military Education and Training; **FMF** Foreign Military Financing; **PKO** Peacekeeping Operations; **ERMA** U.S. Emergency Refugee & Migration Assistance; **IO&P** International Organizations and Programs; **MRA** Migration and Refugee Assistance; **FFP** Food for Peace; **IDA** International Disaster Assistance; **DF** Democracy Fund; **AID Admin** USAID Administration; **CCF** Christian Children's Fund

**APPENDIX F.—United Nations General Assembly's Third Committee
Country Resolution Votes 2010**

	Belarus '06	Belarus 7	Burma '06	Burma 7	Burma '08	DPRK '05	DPRK '06	DPRK 7	DRPK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK 09	IRAN 09	Burma '10	DPRK '10	Iran '10
Afghanistan	y	y	y	y	y	y	y	y	y	n	n	n	n	y	y	n	y	y	n
Albania	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Algeria	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n
Andorra	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Angola	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Antigua-Barbuda	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Argentina	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Armenia	n	n	y	y	y	y	y	y	y	n	n	n	n	y	y	n	y	y	n
Australia	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Austria	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Azerbaijan			n	y	n	y	a	y	a	n	n	n	n	n	a	n	n	a	n
Bahamas	a	y	a	y	y	a	a	y	y	a	y	y	y	a	a	a	y	y	y
Bahrain	a	a	a	a	a	a	a	a	y	n	n	n	n	n	y	n	n	y	n
Bangladesh	n	n	n	n	n	a	a	y	y	n	n	n	n	n	a	n	n	a	a
Barbados	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Belarus	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n
Belgium	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Belize	a	a	a	a	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Benin	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Bhutan	a	y	a	a	a	y	y	y	y	a	a	a	a	a	a	a	a	a	a
Bolivia	y	a	y	y	a	y	y	a	a	y	a	a	a	a	a	a	a	a	n
Bosnia/Herzeg	y	y	y	y	y	y	y	y	y	y	a	y	y	y	y	y	y	y	y
Botswana	a	a	y	y	y	a	a	a	y	a	a	a	a	a	a	a	a	a	a
Brazil	a	a	y	y	y	y	y	y	a	a	a	a	a	a	a	a	a	a	a
Brunei Dar-Salam	a	a	n	a	n	a	a	a	a	n	n	a	a	n	a	a	n	a	n
Bulgaria	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Burkina Faso	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Burundi	a	y	y	y	y	a	a	y	y	a	y	y	a	y	y	a	y	y	a
Cambodia		a	n				a	y	a		a			a	a	a	n	a	a

[illegible]

**APPENDIX F.—United Nations General Assembly's Third Committee
Country Resolution Votes 2010—Continued**

	Belarus '06	Belarus 7	Burma '06	Burma 7	Burma '08	DPRK '05	DPRK '06	DPRK 7	DPRK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK 09	IRAN 09	Burma '10	DPRK '10	Iran '10
Lesotho	a	a	a	a	a	a	a	y	a	a	a	a	a	a	a	a	a	a	a
Liberia		y		y	a		a	y	y			y	y		y	y	y	y	y
Libyan AJ	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n	n
Liechtenstein	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Lithuania	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Luxembourg	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Madagascar	a		a	a			a	a	y	a	a			a	y	y	a	y	
Malawi	a	a	a	a			y	y	y		a	a	n	y	y	a			a
Malaysia	n	n	n	n	n	n	a	n	y	n	n	n	n	n	n	n	n	n	n
Maldives							y	y	y	n	n			y	y			y	y
Mali	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Malta	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Marshall Islands							y	y	y	y	y	y	y	y	y	y	y	y	y
Mauritania	a	a	a	a	a	a	a	y	a	n	n			a	a	n			n
Mauritius	a	a	y	y	y	a	a	a	a	a	a	a	a	y	a	a	y	a	a
Mexico	a	a	y	y	y	y	y	y	y	y	a	y	y	y	y	y	y	y	y
Micronesia (FS)	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Moldova	y	a	y	y		y	y	y	y	y	y	y	y	y	y	y	y	y	y
Monaco	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	a	y	y	y
Mongolia	a	a	y	y	y	y	y	y	y	a	a	a	a	y	y	y	y	y	a
Montenegro	y	y	y	y	y		y	y	y		y	y	y	y	y	y	y	y	y
Morocco	n	a	y	y	y	a	y	y	y	n	n	n	y	a	a	a	y	y	a
Mozambique	a	a	a	a	a	a	a	a	a	a	a	a	a	n	n	n	a	a	a
Myanmar	n	n	n	n	n	n	n	n	n	n	n	n	n		a	a	n	n	n
Namibia	a	a	a	a	n	a	n	a	n	a	a	a	a	y	y	y	a	a	a
Nauru		a	y	y	y	y	y	y	y	y	y	y	y	a	a	a	y	y	y
Nepal	a	a	a	a	a	a	a	a	a	a	a	a	a	y	y	y	a	a	a
Netherlands	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
New Zealand	y	y	y	y	y	y	y	y	y	y	y	y	y	n	a	n	y	y	y

Nicaragua	y	n	y	a	n	y	y	n	y	n	n	a	a	a	n	n	a	a	n	a
Niger	a	a	a	a	n	a	a	n	a	n	n	y	y	a	n	n	a	a	a	a
Nigeria	a	a	a	a	y	a	a	a	a	a	a	a	y	y	y	y	y	y	y	a
Norway	y	y	y	y	y	y	y	y	y	y	y	y	n	n	n	n	y	y	y	a
Oman	n	n	n	n	n	n	n	n	n	n	n	n	a	a	n	n	a	n	n	n
Pakistan	n	y	n	n	a	a	a	n	a	n	n	n	y	y	y	y	y	a	a	n
Palau	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Panama	a	a	y	y	y	y	y	a	a	a	y	y	a	y	y	y	y	y	y	y
Papua N Guinea	a	a	a	a	a	y	y	y	y	a	a	y	y	y	a	y	y	y	y	a
Paraguay	y	y	y	y	y	y	y	y	y	y	y	a	y	y	a	y	a	y	y	a
Peru	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	a	y	y	y	y
Philippines	a	a	a	a	a	a	y	a	a	a	a	a	y	y	a	y	y	a	a	a
Poland	y	y	y	y	y	y	y	y	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	a	a	n	y	y	a	n	y
Qatar	n	n	a	a	a	a	a	a	a	n	n	n	y	y	y	a	a	a	a	a
Rep of Korea	y	y	y	y	y	a	y	a	a	a	a	a	y	y	y	y	y	y	y	y
Romania	y	y	y	y	y	y	y	y	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	n	n	n	n	n	n	n	n
Rwanda	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	y	y
St Kitts-Nevis		a	a	a	a	a	a	a	a	y	a	a	a	a	a	a	a	a	a	a
Saint Lucia		a	a	a	y	a	a	y	n	a	y	a	y	y	y	y	y	y	y	y
St Vincent-Green		a	a	a	a	a	a	a	y	a	a	a	a	a	a	a	a	a	a	a
Samoa	a	y	a	a	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
San Marino	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Sao Tome Principe																				
Saudi Arabia	a	a	a	a	y	y	y	y	n	n	n	a	a	a	y	y	a	a	a	a
Senegal	a	a	a	a	a	a	a	a	n	n	n	a	a	a	y	a	a	a	a	n
Serbia	y	y	y	y	y	y	y	y	y	y	n									
Seychelles																				
Sierra Leone	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	y	y	y
Singapore	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a	a
Slovakia	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Slovenia	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y
Solomon Islands	a	a	a	a	a	y	a	a	a	a	a	a	a	a	a	a	a	a	y	y
Somalia																			*	n
South Africa	n	n	a	a	a	a	a	a	n	n	n	n	y	a	a	n	a	a	y	a

[illegible]

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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